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THE UNIVERSITY OF ALBERTA  
THE EVOLUTION OF THE POLITICAL ROLE OF THE SECRETARY-GENERAL  
IN THE UNITED NATIONS



by  
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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled: "The Evolution of the Political Role of the Secretary-General in the United Nations" submitted by Edward Monsma, in partial fulfilment of the requirements for the Degree of Master of Arts.

A



## ABSTRACT

There has been a definite evolution of the political role of the Secretary-General in the United Nations. The beginnings of this evolution can be traced as far back as the early service unions and treaty conferences, however, the initial developments took place in the League of Nations. The Covenant of the League limited the role to that of a general secretary and although Sir Eric Drummond and Joseph Avenol set a few political precedents they were primarily administrators following the model of the British Under-Secretary.

Having the experience of the League, the drafters of the United Nations Charter envisioned a political role for the Secretary-General which was evident in Articles 98 and 99. Important political precedents were set by Trygve Lie which were considerably expanded by Dag Hammarskjold. U Thant has followed at least in the early years of his incumbency in the tradition of Lie and Hammarskjold. However, in the past six years little or no expansion has taken place primarily due to a most important and complex factor - the international political climate which sets the parameters for the political role of the Secretary-General.





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## PREFACE

In analyzing whether there has been an evolution in the role of the Secretary-General in the United Nations, three important aspects of the development must be considered: the legal or constitutional framework, the incumbents of the office of Secretary-General and the political climate of international relations.

The legal or constitutional framework is important as it establishes the boundaries for potential action. An historical approach will be taken to review the drafting of both the Covenant of the League of Nations and the Charter of the United Nations, with an emphasis on the intent of the drafters, as well as a detailed analysis of those Charter Articles relating specifically to the role of the Secretary-General.

Secondly, the actions, personality and philosophy of the incumbents will be carefully reviewed in order to determine whether Drummond and Avenol in the League and Lie, Hammarskjold and Thant made any contributions to the development of a political role. It is anticipated that by examining the successes and failures of the incumbents in the area of political initiatives one would find some indication of the extent to which a political role existed.

Finally, the crucial factor of the political climate of international relations will be considered to give some insights as to



the scope of the role at any given time in history.

It is anticipated that within these dimensions lie the clues as to whether a political role of the Secretary-General exists and if so to what extent it has been expanded in the past twenty-five years.



## CHAPTER I

### PRE-CHARTER DEVELOPMENTS

The nature of the office of the Secretary-General in modern-day international organizations has its origins in the long historical process of ever-increasing interaction and inter-dependence among nations. Attempts at cooperation between nation-states have almost inevitably given rise to the need for some sort of facilitative administrative machinery. As the nature of international cooperation became more extensive and complex, the administrative apparatus facilitating such cooperation became more elaborate and more non-national in its outlook. This process has developed along several lines.

Prior to the twentieth century, when the dominant device of international cooperation was the creation of alliances, there arose a need for secretariats to carry out the minimal tasks of detailing and executing the physical arrangements for the treaty conferences at which the details of international alliances were formulated. At the outset, these secretariats were almost always composed of the nationals of the host country. As time progressed, they began to take on a more international character. At the Hague Conference of 1907, for example, the twenty-five member secretariat was appointed by the participating states and in fact resembled a microcosm of the conference itself. Because of their temporary nature, the secretariats of such conferences were usually small in size and limited in function to purely internal





matters such as preparing the records of meetings, organizing physical arrangements and translation facilities, and distributing documents.

Perhaps of more significance than the creation of alliances was the development, in the latter part of the nineteenth century, of the international service unions. Emerging as a direct result of increased interaction in such areas as transportation, communications, health, agriculture and the protection of labour, these unions represented a common undertaking between nations in a somewhat narrowly defined sphere. In addition, the matters they dealt with were usually in areas traditionally considered as "administrative", rather than political. Most of these unions had permanent organs, usually called "bureaux", responsible for administration. It was these organs which gradually resembled the embryonic form of a civil service.

Member-states in certain cases did vest the unions, although primarily administrative, with marginal judicial and legislative authority.<sup>1</sup> In 1872 the members of the International Telegraph Union, for example, agreed to abide by decisions of the Union's administrative staff, even though they did not consent to a decision but merely abstained. In addition, Article 33 of the Universal Postal Convention granted its administrative hierarchy powers to arbitrate in disputes between member states.<sup>2</sup>

Naturally, this concentration of administration required the appointment of a coordinator or administrative head to supervise operations. One of the earliest examples of such an appointment was contained in the treaty relating to the international administration of the Rhine. Signed in 1804 by France and the German Empire, the



treaty established a commission to administer the regulations agreed to in the treaty. It also included a provision that there would be a director-general who would be empowered to supervise the establishment and collection of navigation tolls on the river.<sup>3</sup>

In most of these organizations, the power of the chief administrative officer was confined to internal administrative matters. He had little or no actual political power, and the influence which he was able to exert depended largely on the attitudes of the member states and the extent to which they were willing to implement his suggestions. Nevertheless, some of these unions granted the Director-General some minimal powers that were outside the scope of purely administrative matters. The I.T.U., for example, permitted the Director-General to participate in all discussions of the Convention, although without vote; the Director-General of the International Postal Union had an opportunity to influence policy by stating his position in the annual report.

Despite the limitation of their power, the Directors-General of many of these unions were able to influence the policy of their organizations in a limited fashion, at least within the ambit of authority granted to the union. This resulted from a combination of factors. The Director-General, because he was more or less a permanent official, had a superior knowledge of the workings of the organization and was thus in possession of the tactical advantage of full knowledge of the facts in a given situation. The governing councils composed of member governments met infrequently, and there was some latitude for decision-making by the director in the interim, a potentially



influential source of authority since administrative decisions had a great capacity for modifying policy.<sup>4</sup>

Yet another area of development was the emergence of international organizations with numerous objectives, of which the Pan-American Union created in 1890 is an excellent example.<sup>5</sup> These organizations were at once more extensive in scope and more political in nature than the administrative unions referred to previously. Recommendations were passed at the First International American Conference ranging from standardization of weights to a far-sighted plan of obligatory arbitration of disputes. In organizing their administrative apparatus, these types of organizations patterned themselves after the international unions.

In almost all of these developments, the political role granted to the chief administrator was minimal. Indeed, the international civil services which were developing were almost all patterned on the model of the domestic civil services of nineteenth century Europe. Perhaps it was only natural that these organizations, which were for the most part merely enlargements of the exclusive European nation membership, would adopt familiar administrative arrangements. In any event, the tradition of such civil services required skilful management, studied impartiality, and an ability to adapt and to provide continuity in the light of changing legislative conditions. Any political initiatives by civil servants in such a system could only be carried out with great discretion and behind the scenes.

In general, it should be noted that the change in emphasis from





sporadic conferences to organizations of a permanent, though still somewhat limited, nature resulted in the establishment of what virtually amounted to international civil services. The individuals involved in this type of administration, although frequently only on loan by their governments, developed a certain international spirit which enabled them to approach their tasks free of the particularistic aims of the member nations. In addition, the heads of these secretariats gradually accumulated some measure of independent status in the matter of recruiting personnel. Certainly the examples provided by the individuals in these early organizations gave the drafters of the League Covenant a basis for determining the requirements for an international secretariat.

In drafting the Covenant of the League at Versailles in 1919, it was evident that delegates considered the question of the nature and powers of the secretariat to be a distinctly subordinate and secondary matter to the key issues of how to keep the peace. Indeed, some of the earliest drafts of the Covenant made little or no mention of a secretariat.<sup>6</sup> The British plan, revised by Colonel House (President Wilson's advisor) on July 16, 1918, merely stated: "The Delegates shall constitute a Secretariat and fix the duties thereof (Article 9)."<sup>7</sup> President Wilson's First Draft was hardly more explicit, merely stating: "They, the Body of Delegates, shall organize a Secretariat to act as their ministerial agency, and the expense of the maintenance of this agency shall be borne as they may prescribe (Article 11)."<sup>8</sup>

The most extensive preliminary draft of consequence was that prepared by J. C. Smuts of South Africa in the document entitled,





"The League of Nations, A Practical Solution." In it he recommended provision for a permanent Secretariat and staff, which would keep all the minutes and records of the council, conduct all correspondence of the council and make all necessary arrangements between the meetings of the council.<sup>9</sup>

The Secretariat was to be "a general staff which studies and watches closely all conditions anywhere which might call for action or counsel on the part of the League." Smuts wanted to vest some initiative for action with the servants of the League. Such recommendations went much further than other delegates were prepared to go.

Actually, the initial plan recommending a Secretariat was put forward by a French commission headed by M. Leon Bourgeois. Since the French had hoped for the formation of some type of international army, their recommendations concerning the Secretariat envisioned an organization similar to a military staff. These recommendations were rejected from the outset by the Americans and British, and although the French continued to press their ideas in the League of Nations Commission, it was the British and American proposals which prevailed.<sup>10</sup> As Mr. Ranshofen-Wertheimer, former Deputy Secretary-General of the League, observed "The presence of the French, Italian, Japanese, Belgian, Brazilian, Chinese, and Portuguese delegations left hardly any trace upon the stipulations regarding the permanent Secretariat."<sup>11</sup>

For the most part, the British proposals, modified to some extent to suit the Americans, formed the basis of the Covenant provisions regarding the Secretariat and the Secretary-General. The heart of the British proposals was contained in the so-called Cecil



Draft of January 20, 1919. The proposal regarding the Secretariat (Article 9) is particularly significant, since it makes provision for the office of a "Chancellor of the League who shall hold office during the pleasure of the Council."<sup>12</sup> In the notes accompanying the draft, Cecil also proposed some possible duties for the Chancellor. He recommended the following:

"The duties of the Chancellor should be somewhat as follows, and directions to that effect might be given him by the states composing the Council in a Protocol:

1. the convening of meetings of the conference and council, preparing the work of the meetings, and recording the business transacted at them,
2. the facilitating and registering of the results of the work of the various international organs (also carrying out the provisions of Chapter I, Article 1 (para 2) of the proposed Covenant),
3. the taking of action required of him in connection with international disputes (as defined in the Chapter II),
4. the registering of international treaties,
5. the collection of relevant information,
6. the maintaining of current relations with member states,
7. the making of arrangements for any unofficial meetings, and finally,
8. the making of . . . arrangements (as outlined in number one) for any unofficial meetings of an international character which he might consider advisable to invite to the capital of the League."<sup>13</sup>

This was by far the most detailed listing of the powers of the "Chancellor" yet developed. It is important in its clarification of the functions of the chief officer and its provision of a basis for discussion. Had these powers been adopted, the recommendations would



also have given the head of the Secretariat some minimal room for flexibility and initiative, particularly regarding Clause three.

An attempt to amalgamate this proposal with Wilson's Second Paris Draft was made by Lord Eustace Percy. Most of Cecil's administrative provisions remained intact. In addition, Article IV provided: "The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditure which may be authorized."<sup>14</sup>

In addition, the draft contained a provision granting diplomatic privileges and immunities to various permanent officials of the League, including the Chancellor. Once again, had these proposals been adopted, the power of the administrative head of the League would have been somewhat greater than it turned out to be. His international status would have been enhanced, and he would have had considerable flexibility in matters of staffing, as well as diplomatic privileges and immunities.

Although these provisions regarding the Chancellor were embodied in a draft proposal agreed to by Lord Cecil and David Hunter Miller on January 27, 1919, the final document received by the Commission was a revision of the Cecil-Miller Draft by Sir Cecil Hurst, in which the reference to diplomatic immunities was dropped. The draft, which was more concise, but which otherwise contained much the same provisions as the British text revised by Colonel House or President Wilson's First Draft, read as follows: "Article IV. The permanent secretariat of the League shall be established at \_\_\_\_\_, etc."<sup>15</sup>





With very few substantive revisions, this plan was ultimately accepted and embodied in Article VI of the Covenant. The most significant change was the replacement of the term "chancellor" by the term "secretary-general."<sup>16</sup> It is important to consider the different implications of these two terms. "Chancellor" was used to refer to an office of considerable stature - one vested with policy setting functions. In some European countries of the time, it described the chief minister of state (the Reichskanzler of Germany). In contrast, the Secretary-General was the chief administrative clerk, a man devoted to carrying out instructions.

Although little record of the discussion is available, this change in terms seems to indicate a desire on the part of the commission members to restrict the political nature of the chief administrative position. Indeed, the proponents of the so-called "minimalist" concept of the role of the Secretary-General seem to have carried the day.<sup>17</sup> In recalling his part in drafting the Covenant, Lord Cecil indicated a personal desire to keep policy formation from the Secretary-General as much as possible, as he feared that otherwise "an exaggerated tendency to follow the line of least resistance" might occur.<sup>18</sup> In general, the draft proposals relating to the Secretariat were fairly modest in the political power which they granted to the Secretary-General.

The final Hurst-Miller draft elicited little or no controversy or debate when it was submitted to the delegates,<sup>19</sup> which shows the members were in consensus re the political role or that the issue was of no real significance. This may have been due in large measure to





the vague and indefinite language in which the Covenant provisions relating to the Secretary-General and the Secretariat were cast. Perhaps more than anything else, the laconic terms of the final draft of the Covenant ensured that the true nature of the Secretary-General's power was still to be determined by the vagaries of the international political climate and by the character, ideas, and personality of the first occupant of that office.

With the appointment of Sir Eric Drummond, a discreet, self-effacing, but competent, civil servant, the die was cast.<sup>20</sup> One can only speculate what the effect on the office might have been had Sir Maurice Hankey, master organizer of wartime cooperation, accepted the post which he was offered. Certainly the office of the Secretariat would have been organized along the lines which Hankey had used successfully during the war. He could have been expected to organize the Secretariat around meetings of experts on intergovernmental, representational lines rather than as an independent international civil service.<sup>21</sup> However, Hankey having declined the post, the task fell to Drummond to develop it in his own way and as Joseph Avenol, Drummond's successor in office, once observed "the role of the Secretary-General (of the League) depends upon the man. And upon the circumstances."<sup>22</sup>

As mentioned above, the actual clauses of the Covenant relating to the Secretary-General were suitably vague so that the occupant of the office largely determined the nature of the Secretary-General's role. The Covenant sets out three general duties:



1. performing secretarial functions at meetings of the Council and the Assembly;
2. summoning meetings of the League under Article II, upon the request of any member of the League; and
3. making arrangements for the full investigation and consideration of any dispute submitted under Article 15.<sup>23</sup>

It may well be argued that these provisions effectively circumscribed any opportunity for the Secretary-General to take the initiative in matters of international peace and security. Yet, a liberal interpretation of the Covenant provisions, particularly the provision that the Secretary-General shall act "in that capacity at all meetings of the Assembly and of the Council," might have secured a stronger role for the Secretary-General had the incumbents of that office been more forceful in extending their powers.

As it turned out, Drummond - and later, Avenol - chose to take a more restricted view of the Secretary-General's role. "I was neither a Parliamentarian, nor a politician," Drummond once observed<sup>24</sup> and during his term of office he restricted himself to a self-effacing, self-restraining role patterned after that of an under-secretary of state in a national civil service. As a long-time member of the British Foreign Office when that organization was at the pinnacle of its power he was well suited to such a role. F. P. Walters has noted of Drummond: "His conduct was inspired by the traditions of the British civil service; by his own sense of constitutional propriety; and by a certain tendency to avoid responsibility and to mistrust enthusiasm."<sup>25</sup> Certainly this description seems to be borne out by Drummond's activities in the political field, where he failed to make use of many





of the instruments which could have been used to enlarge the power of the Secretary-General. For instance, he did not avail himself of the opportunity to use his annual report to draw attention to world problems which needed action. Instead, the report, which he never presented personally to the Assembly, was usually just a catalogue of the previous year's activities. In addition, he seldom exercised his privilege of speaking at meetings of the Assembly or Council. When he did speak, it was hardly ever in any other capacity than as Secretary of the body. Neither did he avail himself of the opportunity to use world public opinion to strengthen his position. He made few public speeches and resisted any attempts to personally propagandize on behalf of the League.<sup>26</sup> Indeed, one of Drummond's few attempts at overt political activity was unsuccessful when in 1926 he actively supported Spain's candidature for a non-permanent seat on the Council.<sup>27</sup> Schwebel has said of Drummond's political role that, "in his formal relations with League Organs, the Secretary-General was inarticulate in the extreme; in his public role, he was retiring and uninspiring; it was only in his diplomatic, 'behind-the-scene' character that the Secretary-General of the League was a potent political force."<sup>28</sup> Drummond suggested that this effacing approach was the one he instantly took. "I don't think people are influenced by public speeches or documents. They are by private talk. The behind-the-scenes work of the Secretary-General is more important."<sup>29</sup> While Sir Eric is reputed to have been successful at this behind-the-scenes action, it is very difficult to evaluate his success or failure in this area because of the necessary secrecy involved. The various descriptions of his political role



("a moderator", "impartial negotiator", "political confessor")

imply a passive approach, always reacting to problems and helping others to make the decisions rather than acting as an independent force.

However, if it is difficult to evaluate Sir Eric's political efforts, the success of his role as an administrator is unquestioned. Sir Eric can be largely credited with the creation of a truly international civil service in the form of the League of Nations secretariat.<sup>30</sup>

It could perhaps be argued that this achievement was enough for one man and one could not judge Drummond too harshly for not establishing a more "political" role. He was indeed pioneering in a position and, as such, a great deal of his talents and efforts were channeled in this direction. The League was an experiment and as such Drummond's particular direction in organizing the Secretary-General's office was also an experiment.

As Drummond himself has noted, there were two choices faced by the League regarding the Secretariat: it could be a permanent conference of representatives of the powers in the League (something like the War Cabinet) or it could be a truly international civil service.<sup>31</sup> Largely due to his efforts, the latter course prevailed. It was in this area of organization that Sir Eric's experience in the British civil service was invaluable, for he realized that the members of the Secretariat would need a measure of independence from control by national governments to be truly effective. The Balfour Report (the Balfour Committee was established in 1920) which Sir Eric helped draft, laid down the essential guidelines for an international civil service when it insisted: "The members of the Secretariat, once appointed are





no longer servants of the country of which they are citizens, but become for the time being the servants of the League of Nations. Their duties are not national, but international . . . ."32

Drummond was given virtually a free hand by the Council to engage staff. In this area, he was extremely fortunate in attracting some highly capable men, such as Jean Mornet from France, Sir Arthur Salter of Great Britain, and Salvador de Madariaga of Spain.

Despite Drummond's over-scrupulous attempts to avoid overt political involvement, both he and the Secretariat were nevertheless subject to attacks from some quarters who feared they were becoming too powerful and exceeding their authority. In 1926, the Noblemaire committee was set up to investigate some aspects of the authority of the Secretariat. It reported to the Second Assembly, Fourth Committee, as follows:

"It's [the Secretariat's] functions are confined first to the preparation of necessary material, whether for meetings of the Council or of the Assembly or for those of the various technical committees, and secondly to the promulgation of the decisions and recommendations made by those bodies. From these wise limitations of its activities, the Secretariat has in no way deviated."33

This did not stop the critics, however, and both Germany and Italy, in particular, criticized the "Geneva conspiracy", so-called because they saw the Secretariat as a reflection of the privileges of the Great Powers, especially in the matter of recruitment to the Secretariat staff. From 1928 to 1932 the powers of the Secretariat were the object of lively debate in the Fourth Committee. Germany and Italy tried unsuccessfully to have the political direction of the Secretariat transferred to a committee composed of the League's principal members.



A Committee of Thirteen was established and reported to the Eleventh Assembly in 1930, reaffirming the responsibility and authority of the Secretary-General for the direction of the Secretariat. However, a minority report cautioned that: "The political influence of the Secretariat, and especially of its principal officers is, in fact, enormous, and it would be a mistake to close our eyes to this fact."<sup>34</sup>

The attitude of the minority was best summed up by the Hungarian delegate when he said: "The Secretary-General should not be the brain, but the arm, a member which has no initiative of its own and is commanded by the nerves of the League, which are the Assembly and the Council."<sup>35</sup>

Fortunately this minimalist concept did not find widespread support, and the minority report of the Committee of Thirteen was rejected by a vote of 30-5,<sup>36</sup> thus strengthening the hand of the Secretary-General at a very difficult time. Despite all the criticism, "the long battle over what was known as the Higher Direction (of the Secretariat) ended in a compromise which involved little change in the existing situation."<sup>37</sup> Over the long haul, Drummond had won the battle for an independent Secretariat. In 1933, after twelve years in office, Drummond resigned and was replaced by Joseph Avenol, a Frenchman who had been Deputy-Secretary-General for nearly a decade.

The appointment of another administrator from within the Organisation was symptomatic of the esteem in which the office was held. Avenol, whose real forte was financial administration, not diplomacy, took over at a very difficult time. International relations were marked by the failure of the London Economic Conference, the breakdown of the





Disarmament Conference, and the withdrawal of Germany from the League. One of Avenol's first acts was to reorganize the Secretariat along the French system of administration, which involved essentially a top-down approach to administration, whereby all incoming mail was opened by the office of the head of the administration and then distributed with comments or instructions. Such a system tends to be very centralized and hierarchical in nature and, although it did help to ensure control over the actions of the Secretariat, Ranshoff-Werteimer also notes that it tended to discourage initiative and responsibility, particularly among the middle and lower echelons of the organization.<sup>38</sup> Another aspect of the reorganization was a distinct re-affirmation of the special rights of the Major Powers to nominate leading League officials. In response to growing pressure from the smaller powers, however, Avenol attempted to involve personnel from these countries in some of the important positions. Avenol had a somewhat more activist conception of his political role than Drummond had had, and he himself later confessed: "I favoured an active role for the Secretary-General like that of the Director of the International Labour Office."<sup>39</sup>

Avenol was greatly restricted by the non-activist example which Sir Eric had set. One of his major attempts at diplomatic initiative was his trip to Rome in 1936, in an attempt to bring Italy back into the League. His initiative was rejected by the Council upon his return, and he was severely criticized in some quarters for attempting to compromise the principles of the League in order to secure Italy's re-entry. This attempt to exercise a greater political influence came at a time when the League was no longer regarded internationally as the organi-



zation of peace. Many of Avenol's initiatives were characterized by a certain ineptness.

Barros and others suggest that Avenol's attitudes were highly colored by an almost paranoid fear of any cooperation with the Soviet Union, perhaps stemming from his very conservative upbringing.<sup>40</sup> Regardless of the cause, this attitude limited his scope for action.

As the war drew nearer, any hope of a political role for the League faded, and Avenol proceeded (Schwebel feels with almost indecent haste) to try to establish an almost completely non-political league organized along lines of technical cooperation.<sup>41</sup> Of this attempt, Ranshofen-Wertheimer has written:

The leadership did not prove equal to the severe test. There is unanimous agreement today that a good deal more could have been saved had the head of the organization been resolved to salvage as much as possible. Instead, it appeared as though he were bent upon the destruction of the machinery which had been entrusted to his care by the common confidence of all member States and in the building up of which he had participated.<sup>42</sup>

The international circumstances were not favourable to the enlargement of the role of the Secretary-General during Avenol's tenure in office. But his limited talents as a diplomat made any attempts to do so even more difficult.

The two Secretaries-General of the League did not substantially develop the role of the Secretary-General as a political force. In some instances, both but especially Drummond, realistically refused to do so. Both of them, for example, were notably reluctant to extend their powers into such areas as field operations (the Manchurian Commission being a notable exception). In 1937, for example, Avenol actively opposed Secretariat involvement in the question of trafficking





in women and children in certain eastern countries.<sup>43</sup>

However, the concepts of an independent Secretariat and of an impartial Secretary-General were firmly established, particularly during Drummond's term in office. In addition, the Secretary-General developed broad powers for the selection of personnel and substantial freedom in matters of internal administration, even though the Secretary-General's extensive involvement in matters of personnel and administration was sometimes detrimental to the dispatch of more important matters.

In general, the actions of Avenol and Drummond in developing the role of the Secretary-General represent a mixture of innovation (in the administrative area) and unused capacity (in the political area). Certainly the political role of the Secretary-General was hardly expanded at all during the twenty-odd years of the League's operation.

C. W. Jenks comments on the Secretaries-General, noting that they did not have "an acknowledged continuing responsibility for shaping the policy of the League in the interests of the League as a whole and for defending that policy before the Council and Assembly of the League and before the public opinion of the world."<sup>44</sup>

In sharp contrast with this lack of political direction by the Secretaries-General of the League is the activist role of Albert Thomas as Director of the International Labour Organization. The ILO had been formed about the same time as the League by a group of labour leaders and social welfare specialists. As was the case with the drafting of the League Covenant, the founding conference of the ILO, which was also the Peace Conference of Versailles, paid little attention



to the provisions for a Secretariat. The ILO constitution (Chapter 13 of the Peace Treaty) merely provided that the organization should have a permanent Secretariat, called the International Labour Office, headed by a director. The director was charged to attend all meetings, serve as the Secretary-General, speak by invitation at meetings of the Conference or Council, prepare agendas, publish a periodical, carry out investigations, and execute any other tasks assigned to him by the Conference. He was also given the right to communicate with non-member governments (but not through their Foreign Office). The basic draft of the ILO Constitution, as with the League Covenant, was prepared by the British. Indeed, in many ways, the scope given to the Director by the Constitution was similar to that given to the Secretary-General by the Covenant. However, if the offices had similarities, the personalities of their occupants did not.

The ILO selected Albert Thomas as its first director. A politician by training (he was wartime Minister of Munitions in France), rather than a civil servant, Thomas brought to the position a dynamic personality, oratorical skill, and a breadth of experience acquired from being a writer and a member of the French Parliament and Cabinet. He was, as the Noblemaire Committee later observed, a man of "overflowing energy and remarkable personal magnetism."<sup>45</sup> As Director he proved to be an innovator, developing a pattern for the office of Director which has never been abandoned.

Whereas Sir Eric only occasionally addressed the Assembly or Council, Thomas was always in evidence at meetings of the Conference and Governing Body and almost always had specific proposals on the





issues being discussed. In addition, his Annual Report, which he presented personally, was a wide-ranging survey of world social problems, containing comments, criticisms, advice, cautions, and specific proposals. He kept in close contact with member governments, establishing ILO "embassies" in the principal cities of the world. In addition, to maintain public support for the organization, he spent some twenty weeks each year travelling around the world, speaking publicly about the work of the ILO. He also established a high degree of independence for the Secretariat, which was possible largely because the work of the Secretariat was less political and more technical in nature than that of the League. As a result, there was little political pressure exerted regarding appointments. Thomas also kept tight control over his staff, most of whom were personally loyal to him. In fact, the Noblemaire Report found that Thomas had centralized control too greatly and that some measure of delegation of duties would have enhanced the operations of the administration.

"It may in the future be desirable . . . , " the Committee tactfully suggested, " . . . to give increased responsibility to the Heads of Divisions, with advantages to the general working of the office."<sup>46</sup>

The contrast between Thomas and Sir Eric is certainly great.

"The day I am reduced to the status of Sir Eric I will resign," Thomas once said. For his part, Drummond later observed, "It is quite, quite certain that Albert Thomas in my job would have been forced to resign. They wouldn't have stood for it. He would have tried and failed."<sup>47</sup> Drummond's comments certainly contain some truth. Thomas enjoyed a wide degree of support from the membership for the general





trend of the policies he advocated. In addition, the work of the ILO was less political than the League's, and therefore less likely to threaten the national interest of any of its members. Also assisting him was the tripartite membership of the ILO, representing management and labour as well as government. Nevertheless, Thomas' personality had a great deal to do with the success of the ILO and with the development of the office of the Director. As Schwebel has noted; "His record stands as a spectacular example of international leadership, of constructive international statesmanship, sharply contrasting with the publicly cautious approach of the Secretaries-General of the League."<sup>48</sup>

Although reference in a study of this nature must be made to Thomas and his dynamic approach as the driving force in the ILO, one cannot extend the comparisons between Directors-General too far. The organizations, the ILO and the League, were quite different in aims (philosophy) and structure. Such differences justly raise the question of the legitimacy of comparisons. Thomas worked in a milieu where general political interests were less evident and where decisions did not directly affect the self-interest of the nation-states.

Given the inherent differences, the examples of the ILO and the League provided two alternative methods of operation for the delegates who assembled in San Francisco in 1945 to draft the Charter of the United Nations. The principle of an independent Secretariat had been fairly well established in both organizations, but the scope of action in non-administrative matters which their leaders exercised was far different. In comparing Thomas' incandescent leadership with



Drummond's quiet, civil service approach, one can only speculate as to the different result had the first Secretary-General of the League been cast in the mold of an international statesman like the Greek statesman, Eleutherios Venizelos. For his part, Ranshofen-Wertheimer asserts that "the decision to consider the direction of the League Secretariat as an administrative rather than a political task, and to choose as Secretary-General a civil servant rather than a statesman, became an element of weakness."<sup>49</sup> It remained to be seen whether the drafters of the Charter would gain from the experience of their predecessors. The League was an experiment, a new type of organization, and, as such, the office of the Secretary-General must be evaluated on this basis. The phrase, "mistakes of the League" is not meaningful. One cannot judge or analyze the League or its Secretaries-General on this basis. As will be demonstrated in the following chapters, many lessons were learned and some valuable precedents established as a result of the experiences of these institutions.



## CHAPTER II

### DRAFTING THE CHARTER

It is evident that the drafters of the Charter were aware of many of the unfortunate experiences resulting from the limited nature of the office of Secretary-General of the League. Throughout the drafting process, no one questioned the need for a political role for the Secretary-General. What limited discussion did take place with regard to the position focused primarily on the limits of the political role.

The first significant stage in the drafting of the Charter was the initiative taken by the U.S. State Department in mid-1943. It was generally agreed at unofficial talks that there was a definite need for a politically potent chief officer for the new organization. Indeed, there was even an initial proposal from the State Department which envisioned a wholly political officer, a President, assisted by a Secretary-General who would look after internal administration.<sup>1</sup> In June of that year, the State Department issued a "Draft Constitution" which mentioned a "General-Secretary" who was to be the permanent chairman of a peace-keeping council.<sup>2</sup> In a later draft, the Staff Charter, issued in August 1943, the title was changed to "Director-General".<sup>3</sup>

Still later, on his return from the Teheran Conference, President Roosevelt called for a "World Moderator".<sup>4</sup> He envisioned





the moderator as a world statesman of international reputation who would be entrusted with considerable freedom to act or to conciliate in disputes. Although the term "moderator" perhaps reflects the President's Presbyterian background, the concept also reveals the extent to which the U.S. was willing to consider a greatly expanded role for the Secretary-General.

At the Dumbarton Oaks Conference, discussion regarding the chief officer was quite limited. However, a proposal put forth by China and the United Kingdom that the Secretary-General should be able to bring before the Security Council any matter affecting peace and security was unanimously accepted by the four Powers.<sup>5</sup> In addition, the positions of both the United States and the Chinese delegations indicated acceptance of the concept of an international civil service. The major item of controversy was the proposal regarding the manner of appointment of the Secretary-General. The Soviet Union was opposed to such powers being vested in the General Assembly. As its influence was limited there, the probable result was that a decision unfavorable to its interests would ensue. Although all the powers were agreed to the principle of some degree of Great Power control in the appointment of the Secretary-General, the Soviet Union felt that the Security Council should recommend nominations to the General Assembly, while the United States favoured a mere requirement of concurrence by the Council in the choice of the Secretary-General. In the end, the Soviet position was adopted.

The final results of the Dumbarton Oaks Conference were con-





tained in Article X of a Draft Proposal.

#### Article X - The Secretariat

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General shall be the chief administrative officer of the Organization. He should be elected by the General Assembly on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.
2. The Secretary-General should act in that capacity at all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council and should make an annual report to the General Assembly on the work of the organization.
3. The Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security.<sup>6</sup>

Few of the earlier suggestions regarding the expanded political role of the Secretary-General were embodied in the final draft of the Dumbarton Oaks Conference. However, the Third Article is of some importance, since it gives the Secretary-General some scope for initiative and provides him with a forum to express his concerns. These provisions likely resulted from the general dissatisfaction with the League provision which permitted only member states to bring matters before the Council.

Despite the importance of the matter, discussion on the role of the Secretary-General at the San Francisco conference was thin and incomplete. What little discussion there was concentrated on the method of appointment of the Secretary-General and on proposals for nomination of top officials of the organization. On the matter of appointment of the Secretary-General there was some token resistance



from the smaller powers, notably the Scandinavian and Latin American countries, to nomination of the Secretary-General by the Security Council. A compromise was reached after a fair amount of negotiation. The smaller powers accepted the idea of Great Power nomination as the method of appointment while in turn the Great Powers agreed to accept the smaller states' desire not to restrict the term of office to three years. The smaller states argued that the Secretary-General would be under considerable pressure from the Great Powers if the term of office were fixed.<sup>7</sup>

However, a Soviet proposal, tacitly supported by the other major powers, to have four deputy Secretaries-General appointed by the Security Council and Assembly, virtually gave rise to a small power revolt. The small powers insisted that this would compromise the principles of an international civil service. The major argument centered around the weakening of the role of the Secretary-General if the deputies were appointed. This would considerably compromise their loyalty to the Secretary-General and give them almost equal status to the Secretary-General. It was concluded that the office would not function with what in essence amounted to five Secretaries-General.

In the end, the small powers were successful, at least on paper if not in reality, in ensuring that there would be no national composition in the upper offices of the Secretariat and in including provisions to that effect in the Charter, as Gordenker observes: "Drummond's innovation of an international civil service became a constitutional principle of the United Nations."<sup>8</sup> The only significant addition to the Dumbarton Oaks proposal was the added provision in





Article 98 that the Secretary-General "shall perform such other duties as are entrusted to him by the General Assembly and the Councils."

There was general acceptance of the political role of the Secretary-General, as embodied in Article 99, which received very little attention in the formal discussions. Indeed, when the proposals on the Secretary-General came before Commission I of the Conference, there was unanimous agreement on all of them.<sup>9</sup>

What little debate did ensue centered on Venezuela and Uruguay's attempts to widen the political powers of the Secretary-General. Venezuela wanted the Secretary-General to have the power to bring matters affecting peace and security before either the Security Council or the General Assembly. This was defeated when it was argued that such a provision could lead to considerably strained relations between the Council and the Assembly. The Uruguayan proposal, which attracted considerable support, would have extended the discretion of the Secretary-General to allow him to bring before the Security Council any matter which in his opinion might violate the principles of the Charter.<sup>10</sup>

The opposition to the proposal, led by the United Kingdom, Canada, and New Zealand, successfully argued that this would create too wide a scope for the Secretary-General.<sup>11</sup>

The outcome of the Commission's deliberations was ambiguous, as all references to the political role of the Secretary-General were deleted from the Rapporteur's Report by a motion of the Netherlands.<sup>12</sup> In general, however, the San Francisco Charter was broadly permissive. It considerably increased the political role of the Secretary-General from its state under the League. However, there were a number of





details yet to be worked out, and these were left to the work of the Preparatory Commission. The Commission was charged by the San Francisco Conference to complete the planning for the Organization, largely by providing a more detailed description of the operation of the Charter, or, as Langrod puts it, by transforming a "paper constitution into a living institution."<sup>13</sup> The Commission itself was divided into ten committees in order to facilitate its work. In charge of working out detailed provisions regarding the Secretariat was the Sixth Committee headed by Adrian Pelt of the Netherlands, a former senior official in the League of Nations' Secretariat.

Many of the Commission's recommendations tended to strengthen and confirm the assumptions of the delegates to the Dumbarton Oaks and the San Francisco Conferences regarding the role of the Secretary-General. For instance, the Commission observed of the Secretary-General's political role that, "as a mediator and as an informal advisor of many governments. . . he will undoubtedly be called upon from time to time in the exercise of his administrative duties to take decisions which may justly be called political." As regards his administrative role, the Commission's Report stated: "He alone is responsible to the other principal organs for the Secretariat's work." In addition, the Preparatory Commission, after some debate, fixed the term of the Secretary-General at five years with a possibility of reappointment for a further five-year term. The report noted that, "the terms of his [the Secretary-General's] appointment should be such as to enable a man of eminence and high attainment to accept and maintain the position."<sup>14</sup> In general, the tone of the report is best



indicated by its statement that "the Secretary-General, more than anyone else, will stand for the United Nations as a whole." Clearly, the Preparatory Commission envisioned an important political role for the Secretary-General. The recommendations of the Commission were adopted by the first meeting of the General Assembly in London without significant change.<sup>15</sup>

Because of the nature of the powers granted to the Secretary-General by the United Nations Charter, it is useful to engage in a more detailed analysis of the implications contained in the provisions or articles of the new Charter. It is important to note that the Secretary-General is one of the principal organs of the United Nations. This statement is perhaps not quite correct, as Article 7 (enumerating the principal organs) refers to the Secretariat and not to the Secretary-General. However, according to Article 97, the Secretariat is composed of the Secretary-General and the staff, and as the latter is appointed by the former and as the Secretary-General is alone responsible to the Organization for the work of the Secretariat, he may rightly be considered as one of the principal organs in the context of Article 7. Kelsen also equates the terms "Secretariat" and "Secretary-General."<sup>16</sup>

The acquisition of such a status for the Secretary-General must entail significant consequences, for it is the principal organs which are primarily responsible for the attainment of the objectives of the Organization and for the observance of the principles of the Charter. If regarded as such, the Secretary-General appears as one of the organizational elements shouldering and sharing the responsibility for





the behaviour of Member States.

Article 97 defines the Secretary-General as the Chief Administrative Officer of the Organization and thus follows the administrative conception of the office which was established primarily by Drummond in the League's developments. Furthermore, the article uses the words "shall be" and thus not only establishes the Secretary-General's prominence, but also his exclusive right to the role. This fact is more significant when related to the San Francisco Conference debates on the question whether the Secretariat should be headed by the Secretary-General alone or by him and additional deputy secretaries-general, as already mentioned. Originally the addition of four deputies was suggested and the mode of their appointment was to be the same as that of the Secretary-General (by the General Assembly on the recommendation of the Security Council). The U.S.S.R. proposed five deputies. The objection raised by the opponents of this proposal was that its acceptance would jeopardise the international character of the Secretariat. Each of the deputies elected in the same way as the Secretary-General and drawn from one or other of the power groups was likely to remain loyal to his supporting group instead of attaining a truly international responsibility in the manner of the Secretary-General who is elected (appointed) by the consensus of the Big Powers. The Committee considering the problem voted by 15 to 13 in favour of making reference to deputies in the Charter, but as there was no two-thirds majority (required for the acceptance of the proposal), the matter was dropped.<sup>17</sup> Thus the founding fathers of the U.N. made it clear in Article 97 that the Secretary-General is the sole head of the





Secretariat and that any collective leadership was not acceptable.

The Charter does not make any provision regarding the term of office, as has already been noted earlier in this Chapter. The Dumbarton Oaks Proposals simply stated that the Secretary-General should serve "for such term and under such conditions as are specified in the Charter."<sup>18</sup> At San Francisco it was proposed that the Secretary-General should be elected for a three-year term and be eligible for re-election. When the smaller states finally yielded on the method of appointment, accepting the provision requiring Council recommendation and permanent-member concurrence, they insisted that the provision for a three-year term be dropped on the ground that a short term would make the Secretary-General too dependent on the permanent members.<sup>19</sup>

The Assembly fixed the term of office at five years for the first Secretary-General, and subsequent appointments have been for five-year terms -- Dag Hammerskjold in 1953 and 1958 and U Thant, initially appointed Acting Secretary-General in 1961 and subsequently appointed Secretary-General for a term of five years to run from the time of his first appointment, November 3, 1961.<sup>20</sup>

The problem of interruption of this exercise of the functions vested in the office has twice arisen, under differing circumstances and with differing solutions. There was no provision in 1950 to fill the office when the permanent members could not agree on an appointment to replace Lie on the expiry of his term on February 2, 1951. The question of an appointment was placed on the General Assembly agenda over the Soviet Union's objection that the matter could not be



legitimized constitutionally because the Council had not made a recommendation.<sup>21</sup> However, the Assembly adopted a resolution extending Lie's period in office for three years because of the necessity to ensure the uninterrupted exercise of the functions vested by the Charter in the office of the Secretary-General. The results were disastrous as the Soviet Union refused to recognize the validity of the Assembly's actions. This made the functioning of the office totally ineffective. Lie suggests it was the boycott of the Soviet Union which led him to the conviction he should resign.<sup>22</sup>

The second problem arose on Hammerskjold's death on September 18, 1961. The United States took the view that the Assembly had the authority to make a provisional appointment, while the Soviet Union argued that a "troika" should be substituted for a single person and that the matter must be considered first by the Council. Agreement was reached after private discussions and resulted in U Thant's appointment as Acting Secretary-General for the remainder of Hammerskjold's term. On November 3, 1961, the Security Council unanimously recommended this appointment, which the General Assembly unanimously voted to make the same day.

As well as outlining that the Secretary-General should act as the chief administrative officer of all the major organs of the Organization, the Member States agreed in Article 98 to the possible expansion to the general secretarial duties by including therein the item that he might also be entrusted with "such other functions" as designated by the organs of the United Nations. This Article sets the legal framework for the potential of the delegation of political functions.





The assignment of functions to the Secretary-General inevitably resulted in vesting him with discretionary powers. The extent of the discretion varied with the nature and circumstances of the assignment; however, the potential exists for the Secretary-General to become involved in situations of considerable importance and political significance in the peace and security fields. The broad mandate can be exemplified by the Assembly resolution in the Lebanon-Jordan case, by which the Secretary-General was requested to make -- in consultation with governments concerned and in accordance with the Charter -- "such practical arrangements as would adequately help in upholding the purposes and principles of the Charter in relation to Lebanon and Jordan in the present circumstances."<sup>23</sup>

Article 98 also required the Secretary-General to submit an annual report. The requirement of an annual report is significant, not as a departure from previous experience, but as to the way in which the reports were subsequently utilized by the incumbents of the Secretary-General's office. For example, in these reports Trygve Lie never confined himself to giving a mere chronology of events or a bureaucratic description of the U.N. Quite to the contrary, in course of time the annual report became a balance sheet of successes and failures of the Organization and the Secretary-General's reaction to major problems of world politics. Particular attention may be drawn to Hammarskjold's reports, in which he went a step further and started outlining a U.N. doctrine.

Article 99 of the Charter is perhaps the most important departure from the League Covenant as it established an independent





political function for the Secretary-General. (Article 97 assigned administrative functions and Article 98 assigned delegated political functions). Thus, by virtue of Article 99 the Secretary-General could exercise independent political initiatives.

According to Article 99, the Secretary-General "may" bring to the attention of the Security Council any matter which "in his opinion" may threaten the maintenance of peace and security. Thus he is given a double discretion. Before going to the Security Council he has to decide whether, "in his opinion," the matter would be eligible to be put on the Agenda of the Council. If he comes to the conclusion that this is the case, he need not necessarily submit the matter to the Council. Article 99 makes it clear that he may do so but there is no obligation for him to go so far. It will be seen later that the consequences of the above formulation of Article 99 proved far-reaching.

It can be argued that the word "may" was used deliberately. The Secretary-General is not compelled to bring disputes before the Security Council. This affords some measure of protection, as he can and must canvass the major powers before bringing an issue forward. The idea of having to bring issues before the Council would seriously weaken the Secretary-General's role, as it would mean that he must bring issues before the Council regardless of whether there was even a consensus to discuss. It takes little imagination to conceive the ridiculous situations which could have arisen under such a compulsory system.



In only one instance has a meeting of the Council been called at the request of the Secretary-General with specific reference to Article 99. In a letter dated July 13, 1960 to the President of the Security Council, Hammarskjold brought the Congo Crisis before the Council, as it threatened the maintenance of peace and security.<sup>24</sup> Lie's intervention in connection with the Korean question did not, strictly speaking, constitute the use of Article 99, as the United States requested the meeting on the 25th of June, 1950.<sup>25</sup>

Legally, Articles 97, 100, and 101 together were intended to create a highly competent Secretariat to be administratively independent from political influence. Article 100 accepted the League principle of the international character of the Secretariat, while Article 101 established the highest standards as to the criteria for staff appointments. These idealistic goals were impossible to attain due to a number of factors. Initially, the need to provide a competent administrative staff quickly compromised its international character, as many individuals were recruited from the Western countries, primarily the United States. Americans were competent and readily available and thus were disproportionately represented in the Secretariat. Lie stated himself that "no fewer than 2,500 staff members were appointed in the first year of the Organization's operation. This was necessary because the organs of the United Nations took up their responsibilities almost immediately . . . . There was not time to go through the careful process of full international recruitment . . . or to achieve the extent of geographic distribution that has since been attained."<sup>26</sup>





Secondly, the attempt at recruitment on an international basis compromised in certain cases the Secretariat's competence. The need for a number of the smaller and/or less developed countries to be represented resulted in some positions being filled with individuals who were not adequately trained for the specific type of work.<sup>27</sup>

In addition, Article 105 attempted to incorporate an important lesson gained from the League experience. The Article clearly recognized that United Nations staff members required certain privileges and immunities in order to exercise their functions independently.

The end product which resulted from this long process of drafting the Charter and the operating provisions is noteworthy in a number of directly related ways. The drafters of the Charter built on the experiences gained from the League. The position of the Secretary-General was not only administrative but also political. The Report of the Preparatory Commission on the Secretary-General ventured a prophecy on what the Secretary-General would have to be. The Secretary-General would play an important role "as a mediator and as an informal advisor of many Governments, and (would) undoubtedly be called upon from time to time in the exercise of his duties, to take decisions which may justly be called political."<sup>29</sup>

In review, a number of the provisions of the Charter as it related to the office of the Secretary-General simply gave constitutional sanction to traditions and practices established in the League. Articles 97, 100, 101, and even to a large extent, 98, in themselves did not necessarily lead beyond the League experience.





Article 99, by introducing the concept of responsibility for independent political initiative, was the primary departure. How extensive a departure it was intended to be, the history of its consideration and eventual inclusion in the Charter did not establish. The record both before and at Dumbarton Oaks and San Francisco was amazingly thin and, in some respects, ambiguous. In fact, the provisions on the Secretariat in the Charter were among those given the least thought and attention, partly because they proved to be generally non-controversial, but mainly because they were considered of secondary importance when compared to other questions.

As was the case with the League Covenant, the Charter provided the opening for action in defining the Secretary-General's role, however, it was left to the incumbents of the office to give it substance. Their personalities, as well as the vagaries of international politics, would determine the way in which the role of the Secretary-General would continue to develop.



### CHAPTER III

#### TRYGVE LIE

It was significant that during the early informal discussions on the selection of the first Secretary-General only individuals were mentioned whose experience and personal characteristics warranted the expectation that they would not refrain from political involvement in the affairs of the Organization. Names such as General Eisenhower, Anthony Eden, Paul-Henri Spaak, and Trygve Lie were often mentioned at the Preparatory Commission's behind-the-scene talks.

Majority opinion ruled out Eisenhower and Eden after the Preparatory Commission settled on the principle that the Secretary-General should not be a national of one of the Great Powers.<sup>1</sup> The election of Spaak as President of the Assembly precluded his appointment, and Lester Pearson's nomination was made impossible when the Soviet Union announced that it would reject any North American candidate on the grounds that the location of the U.N. headquarters in North America already ensured considerable influence on the Secretariat by that area.<sup>2</sup> Thus Trygve Lie emerged as the candidate acceptable to all sides. As a result, his nomination was put forth by the Security Council and accepted by the Assembly.<sup>3</sup>

In choosing Trygve Lie, the Assembly had chosen a man with considerable political experience. Lie had been a long-time member of the Norwegian trade-union movement, holding his first major post



in the organization while he was still in high school. He rose through the ranks of the unions and in 1935 took a seat in Parliament as a member of the Labour Party. Several years later, he was appointed to the Cabinet and continued in that office, becoming a member of the Norwegian government-in-exile during the war. Upon the liberation of Norway Lie once again resumed an active role in foreign affairs, representing Norway as head of the delegation to the United Nations Conference on International Organization in San Francisco. In choosing a man with this extensive background, there was no doubt that the Assembly had selected an activist as Secretary-General.

Notwithstanding Lie's comments during his acceptance speech as Secretary-General, ("I am comforted, too, in the knowledge that I shall, from the outset, have a competent and experienced temporary staff at my disposal,")<sup>4</sup> he was immediately confronted with the monumental task of choosing some 2,500 staff members who were needed to form the United Nations Secretariat, all in the course of a few months. In doing so, he was at a great disadvantage when compared to Sir Eric Drummond, who had some two years to choose a staff of only 600. Commenting on this later, Lie observed, "Sir Eric could take the necessary time. I could not."<sup>5</sup> As a result of this somewhat hasty job of selection, Lie came under criticism in some quarters for the quality of people he was choosing and for the fact that a disproportionate number of the Secretariat officials were American citizens.<sup>6</sup>

Contrary to the discussions and subsequent consensus reached at San Francisco with respect to the question of deputy Secretaries-





General, the Great Powers presented Lie with a virtual fait accompli with regard to this question in which they had, by "gentleman's agreement", divided up the assistant Secretaryships-General among themselves.<sup>7</sup> According to the agreement, the Assistant Secretary-General for Security Council Affairs was to be a Russian; the remaining posts were divided as follows: Administrative and Financial Services, U.S.; Economic Affairs, U.K.; Social Affairs, France; and Trusteeship Council Affairs, China.<sup>8</sup> Even though the Secretary-General was still allowed to choose the individuals involved, this agreement was a clear contradiction of the desire of the delegates at San Francisco to avoid creating "national" posts in the upper echelons of the Secretariat, as has already been discussed in some detail earlier in Chapter II. Unfortunately, Lie made no overt efforts to oppose this development. One can only speculate that Lie feared strained relations with the Great Powers would result or else he did not see it as a major issue or problem.

Regardless of the preliminary administrative difficulties, Lie did succeed in developing a firm procedural base for an active political role. He quickly developed the practice of using the Annual Report of the Secretary-General as an instrument for stimulating action by the Organization. The First Annual Report established a precedent by including a brief personal statement of his views as spokesman "for the U.N. as a whole."<sup>9</sup> In subsequent years, the introductions to the Annual Report included major statements of policy and assessments of the desirable role the U.N. should play in world affairs. In the 1948-49 Report, Lie even went on record, although



indirectly, in criticizing the formation of NATO.<sup>10</sup>

Although it is difficult to evaluate the impact of these reports, they were studied and taken seriously by some member states. According to Schwebel, for example, the United States assigned thirty people to study the Report each year.<sup>11</sup>

Lie was also intent on gaining a virtually unrestricted opportunity to speak in meetings of the Assembly and Security Council. Beginning in 1946, the Secretariat launched a campaign to obtain speaking privileges for the Secretary-General on any item. As a result of these efforts, the General Assembly, in September, 1947, amended its rules of procedure in order to allow the Secretary-General unrestricted right of intervention in the proceedings of the Assembly and its committees.<sup>12</sup> A similar right was also conferred upon him by the Security Council.<sup>13</sup>

The first Secretary-General of the League had chosen to remain silent, but Lie had secured his right to be heard on any matter in the organs of the United Nations.

Integrally involved in the right to speak is the right of initiative in proposing questions for consideration. Lie insisted on taking definite stands on issues before the Security Council. The first such initiative in the Security Council was a memorandum on the question of retaining the Iranian case on the Council's agenda.<sup>14</sup> It was submitted on April 16, 1946, the day after Iran informed the Council that it wished to withdraw its complaint against the Soviet Union. Lie's memorandum argued the legal case against retaining the question on the agenda once the parties to the dispute requested its





removal. His right to take the initiative was strongly supported by Poland and by the Soviet Union. Mr. Gromyko observed, "The Secretary-General has all the more right, and moreover a duty, to submit reports on the various aspects of questions that are being considered by the Security Council."<sup>15</sup>

Although unsuccessful, the initiative in the Iranian case reinforced the right of the Secretary-General to address the Council on any matters under consideration. Thus, the substance of the memorandum signified its presentation as a bold assertion of the independent position of the Secretary-General. The constitutional significance of Lie's intervention did not relate to the Council but to a doctrine of implied powers of the office of Secretary-General. It was the first of a series of steps toward building an accepted role of major political influence for the office, based on both the letter and spirit of Articles 97, 98, 99, and 100, read together.

As the result of taking a definite position on issues such as the Iranian problem and the admission of Pakistan, Lie was exposed to attack on the grounds of partiality. For example the view of some American politicians was that Lie was little better than a henchman for the communists.<sup>16</sup> To protect himself, Lie developed the technique of submitting legal opinions to the Council thus claiming he was putting forth the "law" on the subject. The inherent problem on such action is whose interpretation of the law is to be consulted. Therefore, legal opinions invariably were in keeping with Lie's own opinion on the matter. Lie's attempt at shielding himself from criticism indicated that he was unwilling to accept fully the responsibility or





accountability for his political activity.

Lie seized an opportunity during the early phase of the Security Council's consideration of the Greek border question to reserve "his right" under Article 99 "to make such enquiries or investigations as he may think necessary."<sup>17</sup> Andrei Gromyko of the Soviet Union supported this approach: "I think that Mr. Lie was right in raising the question of his rights. It seems to me that in this case, as in all other cases, the Secretary-General must act."<sup>18</sup> No other members of the Council indicated dissent from this view.

Thus by the end of 1946 it was generally accepted that the Secretary-General could give his own views on any question being considered by the principal organs of the U.N., could bring before the Security Council any matter which in his opinion might threaten peace and security, had the right to make such independent enquiries as he deemed necessary to arrive at a judgement in such cases, could propose, for the General Assembly's agenda, any matter within the scope of the Charter and could fill the role of world spokesman for the principles of the Charter and the common interest of all the Member States.<sup>19</sup>

During the first few years of his incumbency, Lie initiated efforts to develop a stronger political role for the United Nations by taking an active and public role in supporting a broad interpretation of the Council's powers.

With reference to the Italian Peace Treaty provisions on Trieste, Lie argued, in a legal opinion, that the Security Council was not limited to the specific grants of authority contained in various



articles of the Charter but also possessed a general authority arising from the primary responsibility conferred upon the Council by the Members in Article 24 "for the maintenance of peace and security and their agreement that in carrying out its duties under this responsibility the Security Council acts on their behalf." The Council accepted these proposed responsibilities for Trieste.<sup>20</sup>

Secondly, this same legal basis was used by Lie when the issue of implementing the Palestine Partition Plan arose. Lie argued that the Council should and could use force, if necessary, to uphold the Plan. He explored privately and in vain the possibilities of raising an international force from some of the smaller countries and at one time considered proposing to the Council an emergency force composed of equal land units from each of the Great Powers.<sup>21</sup>

In both instances, Lie was instrumental in having the Council at least analyze its political mandate. Whether Lie had an influence in resolving the problems is a moot issue. The United States and the Soviet Union had similar positions on Trieste and initially on the Palestine question.<sup>22</sup> However, neither accepted Lie's plan of an emergency force. It is important to note that the precedent of the Secretary-General's active involvement in political matters was firmly established and with these issues not questioned.

Returning to the Palestine problem, a significant development occurred which was to arise many times and this was the principle of a general mandate to the Secretary-General to do what he believed best in a given situation. On the economic or humanitarian side, the General Assembly passed a resolution for the Secretary-General to "take all





necessary steps to extend aid" to the Palestine refugees.<sup>23</sup> A second General Assembly resolution established the position of United Nations mediator, appointed by the Secretary-General, to promote a peaceful adjustment of the future situation in Palestine.<sup>24</sup> Both resolutions are significant in that, with only general terms of reference, the Secretary-General has some flexibility for initiatives and courses of action. Lie took advantage of this flexibility and, as expected, soon incurred the displeasure of some of the Member States. Gromyko of the Soviet Union commenting on Lie's broad interpretation of his authority in sending observers to Palestine stated the following:

I have thought it necessary to draw the Council's attention to the utterly abnormal situation which has resulted from the dispatch to Palestine both of observers at the request of the Mediator and of the group of fifty persons from the U.N. Secretariat. We must protest against this practice as being quite illegal.<sup>25</sup>

This illustrates one of the problems the Secretary-General faces in broadening his political responsibilities. The office has changing parameters of action, usually defined by the interests of the Great Powers, and staying within these parameters is a necessary and highly skillful manoeuvre. Unfortunately, Lie was less than cautious and overextended himself on numerous occasions, an action which diminished his political effectiveness as exemplified by his intervention in 1948 in the Palestine affair and the Berlin blockade.

In addition to these activities within the organization, Lie was also quite conscious of the role of public opinion in developing his powers, and he actively sought public support. He initiated the





policy of holding regular press conferences each Friday, and he also travelled extensively, addressing public gatherings. Notwithstanding these efforts at public relations, he was still regarded with suspicion by the Soviet Union, as well as in parts of the United States, where he was regarded in the opposite light as a Communist sympathizer due to his periodic open support for the Soviet Union's position.<sup>26</sup>

The greatest challenge to the United Nations and to the power of the Secretary-General during Lie's term was brought on by the attack of the North Korean forces on South Korea in June of 1950. An emergency meeting of the Security Council was called on June 25 at the request of the United States government. Rather than wait for any Member State to initiate discussion of the problem, Lie opened the meeting by giving a factual presentation of events leading up to the meeting. He concluded by charging the North Korean forces with aggression and with violation of the Charter. Many people have insisted that this was the first (and only) occasion in which the Secretary-General of the United Nations formally invoked the provisions of Article 99 of the Charter. Lie's actual words were as follows:

"The present situation is a serious one and is a threat to international peace. The Security Council is, in my opinion, the competent organ to deal with it. I consider it the clear duty of the Security Council to take steps necessary to reestablish peace . . . ." <sup>27</sup>

In actual fact, there was no formal reference to Article 99 (except obliquely in the phrase "threat to international peace"), and the fact that the Americans had initiated action by requesting the



meeting made invocation of Article 99 unnecessary. However, in retrospect, Lie insisted that he had invoked the Article.<sup>28</sup> Perhaps the best that can be said is that Article 99's true importance lies not in its formal invocation, but rather in the legitimacy which it gives to the political activities of the Secretary-General in times of crises. In speaking out as he did on the Korea question, Lie affirmed and strengthened his role as an independent political force.

A resolution at this meeting to send a force under United Nations auspices to Korea was passed by a vote of seven to one, as the Soviet Union was boycotting all meetings of the Council because of its failure to seat the Peoples Republic of China.<sup>29</sup> The involvement of the United Nations in this type of operation might have established the potential for the Secretary-General to be concerned with the deployment of troops and the conduct of military field operations. Such an opportunity never materialized, as the complete Korean military effort was placed under the responsibility of the United States rather than the Secretary-General. Thus the situation is of interest only within the context of the "potential" of a Secretary-General's role, as Lie was effectively excluded from active participation.

The Korean issue again strongly demonstrates that regardless of immediate and unequivocal political stands by the Secretary-General, action cannot be developed outside of the Great Power realities of the situation. Lie raised against himself the implacable enmity of the Soviet Union, a situation resulting in a severe limitation of his subsequent actions as Secretary-General. The political role of the Secretary-General had progressively been strengthened but not to the





extent that he could operate without the realities of Great Power support, however limited it might be.

Perhaps one of Lie's most ambitious undertaking as Secretary-General was the preparation in Spring, 1950, of his "Memorandum of Points for Consideration in the Development of a Twenty-Year Program for Achieving Peace Through the United Nations". The ten proposals of the plan may be summarized as follows:

1. Inauguration of periodic top level meetings of the Big Five and of the Security Council.
2. New attempts to establish international control over atomic energy.
3. Concerted effort to control the use of conventional armaments.
4. Renewal of efforts to create a world peace force.
5. Acceptance and application of the principle of universality of membership in the U.N.
6. Program of technical assistance to undeveloped countries.
7. More rigorous use of specialized agencies.
8. Continued development of U.N. work on Human Rights.
9. Use of the U.N. to promote decolonization.
10. Active attempt by the U.N. to accelerate the development of international law.<sup>30</sup>

Although the plan simply called for renewed efforts in support of the major goals of the Charter, it did add credibility to the idea of the Secretary-General acting as a spokesman for international interests. Lie also undertook to make a personal tour of the capitals of the Big Four in order to discuss his proposal with the leaders of



those nations. Lie had hoped, by mean of the Program, "to make whatever contributions lay within the scope of (his) power and duties towards breaking the deadlock."<sup>31</sup>

The peace mission evoked a much greater popular response than any other initiative Lie had undertaken. It also made possible hours of discussions in private on the United Nations and the Cold War with the heads of Government and foreign ministers of the Big Four Powers, including Stalin, at a time when there was no meaningful contact between the leaders of the Soviet Union and the West. However bold and well intended his plan, international events soon dashed any hope of its implementation. Korea effectively precluded Soviet participation. Even as Lie was visiting Paris, discussions were underway in London to increase the armed strength of NATO. Although the General Assembly again discussed the proposal in October of 1951, it was anti-climatic, for the proposal was already a dead letter.<sup>32</sup>

Another important issue affecting the role of the Secretary-General during Lie's incumbency was his strong advocacy of the seating of the Peking Government in the United Nations.<sup>33</sup> The failure to seat the Peking Government had been the chief reason for the Soviet Union's boycott of the Organization during 1950, and Lie hoped that by securing China's entry eventual resumption of Russian participation in the U.N. could be assured. At a press conference in July, 1950, Lie stated; "The people of China have a constitutional right, under the Charter to be represented at all times in the United Nations by the Government that has the power to represent them."<sup>34</sup> The principal effect of this initiative was to secure the enmity of the Nationalist Chinese delegation.



Dr. Tsiang of China characterized Lie's memorandum on the question as "a deliberate attempt to prejudice China's case before the United Nations. It oversteps the duties of the Secretary-General and undermines confidence in his impartiality."<sup>35</sup> Lie notes that he was accused of "surrender to the Soviets", of being an "appeaser" and of "transgressing the limits of his authority as Secretary-General."<sup>36</sup>

All of this points up the crucial problem facing the Secretary-General of the United Nations -- he is invested by the Charter with certain duties and responsibilities; yet, in carrying out those responsibilities, he runs the very real risk of a conflict with one of the Great Powers, a conflict which may compromise his effectiveness as Secretary-General. At various times during his term as Secretary-General, Lie found himself in the position of not enjoying the support of one or more of the permanent members of the Security Council. His dynamic, at times flamboyant, interpretation of his office was never fully accepted by the Great Powers, particularly the Soviet Union, who often favoured a less political role for the Secretary-General. Not surprisingly, the extent to which a Member State was willing to support the Secretary-General's political activity depended upon the opinion of the Secretary-General on the issue involved. Thus, on the Iranian question, he received expansive Soviet support since his position agreed with theirs. The United States, on the other hand, reacted negatively. In Lie's words:

Washington did not in this instance seem to be disposed to recognize that the Secretary-General of the United Nations might in all honour and intelligence take a view





of a problem legitimately at variance with that of the United States. This experience was to be repeated with many governments throughout my service . . . . When he agrees with us, governments tend to feel the Secretary-General is within his rights and a good fellow besides; when his views differ with ours, he clearly is exceeding his authority, his reasoning is bad, and even his motives may be suspect.<sup>37</sup>

On the Korean issue, the extent of the Soviet criticism eventually precluded Lie's nomination for a second term. When the issue of reappointment came up in the Assembly, the difficulties experienced by a Secretary-General became apparent when he holds a widely publicized position on a substantive issue which is opposite to that of a Great Power. The Soviet Union announced it was prepared to support almost anyone other than Lie.<sup>38</sup> China, stung by Lie's advocacy of Communist Chinese membership, was of much the same attitude as the Soviet Union. When the vote on the renomination of Lie was taken in the Security Council, it was nine in favour with the Soviet Union vetoing the resolution. China, preferring not to add insult to injury, abstained.<sup>39</sup>

It would appear that the United States had to support Lie, as non-support would have indicated non-confidence in Lie's position on the Korean dispute. Thus the United States let it be known that it would veto any candidate other than Mr. Lie, and, as a result, the Security Council reported to the Assembly that it was unable to agree on a candidate. The General Assembly decided to extend Mr. Lie's term for an additional three years. The vote was 46 in favour, 5 opposed (the Eastern bloc) and 8 abstentions.<sup>40</sup> In taking this step, the Assembly insisted that since the original term of office of the



Secretary-General had been set by the Assembly, it was also within the Assembly's powers to lengthen that term. Both for the United Nations and for Trygve Lie this extension proved a most unsatisfactory experience. This whole process of extension of his term had made Lie appear to be a tool of the three great Western powers against the Communist bloc, and his effectiveness was thus severely compromised.

During the last six months of Lie's service as Secretary-General the Secretariat came under heavy Congressional and press attacks in the United States, while also receiving increasingly vituperative abuse in the Soviet Union. It was the beginning of the final phase of the McCarthy-McCarran period of obsessive and often hysterical fears of internal subversion. The search for alleged communists and sympathizers in the State Department and other Departments of the United States' Government turned in this period also to Americans employed in the United Nations Secretariat.

The issue was brought to a head in 1949 when a Soviet National employed in the Headquarters Planning Division of the Secretariat was charged with espionage. He claimed immunity from prosecution because of his status as an employee of the United Nations, but this defense was rejected by the American courts and he was subsequently deported.<sup>41</sup> The incident, given the McCarthy-aroused fears, caused widespread attacks on the United Nations as a "hotbed of Communism" where one found "Communist terrorism . . . with the complicity of Trygve Lie."<sup>42</sup>

Before continuing, one must analyse the vulnerability of the United Nations Secretariat officials, whether they be American nationals or not, operating in the United States. The protection which





was to be afforded the Secretariat in the United States comes under the purview of three main documents:

1. Article 105 of the Charter.
2. General Convention on the Privileges and Immunities of the U.N. adopted by the General Assembly on February 13, 1946.<sup>43</sup>
3. The Headquarters Agreement of June 26, 1947 between the United States and the United Nations.<sup>44</sup>

Unfortunately, the United States has refused to ratify the most far-reaching of these agreements, the General Convention. In addition, the U.S. Courts have put a very strict interpretation on the Headquarters Agreement. The overall result is that the "privileges and immunities of members of the Secretariat of the United Nations are not governed by any international instrument, apart from the Charter, to which the United States is a party. Their status is subject to unilateral United States legislation."<sup>45</sup>

A Federal Grand Jury investigation in New York in 1952 did not find evidence to warrant returning a single indictment against any American in the Secretariat but published a general "presentment" charging infiltration into the United Nations of an overwhelmingly large group of disloyal United States citizens which constituted a "menace" to American security. This statement had only one substantial fact behind it: eighteen present and five former staff members of American nationality out of more than 2,000 officials when testifying before the Grand Jury and the Senate Internal Security Sub-Committee refused to answer questions about past and present membership in the Communist Party taking the Fifth Amendment which protects against self-



incrimination.<sup>46</sup> However, the result was American press attacks branding the United Nations "an instrument conceived by the diabolical brain of the agents of the U.S.S.R."<sup>47</sup> Faced with this situation, the Secretary-General dismissed the eighteen staff members who had pleaded the Fifth Amendment before the Senate sub-committee. At the same time, the U.S. State Department published a list of thirty-eight secretariat officials whom they had informed the Secretary-General were "undesirable".

In January of 1953, Lie also agreed to questioning of Secretariat officials by the United States Federal Bureau of Investigation on the premises of the U.N. during office hours, an action with a devastating effect on staff morale. There was considerable criticism that Lie had permitted "the transformation of U.N. headquarters into a police station."<sup>48</sup> The General Assembly was concerned and passed a motion recalling the international nature of the Secretariat.<sup>49</sup> The staff members appealed their dismissal to the Administrative Tribunal of the United Nations. The tribunal decision was that the permanent members of the staff, at least, were not guilty of "serious misconduct" and should be reinstated or compensated.<sup>50</sup> Henry Cabot Lodge, Jr., the U.S. ambassador to the U.N., lobbied fiercely to have the decision reviewed by the Assembly. However, an advisory opinion of the World Court confirmed the Administrative Tribunal's ruling.<sup>51</sup> Nevertheless, the incident pointed out the vulnerability of U.N. Secretariat officials working in the United States to the pressures of American public opinion. In addition, it pointed out Trygve Lie's weakness on a matter which seriously compromised the international character of the U.N.





Secretariat, notwithstanding that he had repeatedly stated that he had no sympathy for the anti-communist hysteria and defended the large American contingent against indiscriminate smears and false charges.<sup>52</sup> However, it was all words, as Lie yielded much too far to American pressures.

The increasing polarization of the East-West conflict, together with the Soviet boycott of his office, made Tryvge Lie realize that his position was untenable, and in late 1952 he submitted his resignation. In his own words, he decided to resign because

it was no longer possible to exercise the political role of the Secretary-General as the Charter had intended and as I had sought to develop it over the preceding five years. In a world organization where all sides were represented, my hands were tied with respect to governments which controlled or influenced one-third of the population of the world.<sup>53</sup>

Although Lie said he understood the practical limitations of the United Nations, there is little evidence to support the fact that he understood his own political limitations. The Secretary-General, unlike a head of state, has no political constituency to serve as a power base and thus he must rely on his powers of persuasion and mediation. Lie did not, and perhaps by virtue of his personality, could not, use these powers effectively, but rather sought an open and independent leadership. Too often such tactics placed governments in the position "where they could not follow him without serious loss of face."<sup>54</sup>

In office Lie failed to avail himself of one power base which Hammarskjold used to great advantage during his term in office, the Asian and Middle East blocs in the General Assembly. It is true that these were not a strong force in the Assembly when Lie first became





Secretary-General, but their numbers steadily increased. However, Lie did not seem to understand their point of view or at least appeared incapable of conveying his understanding to them. Indeed, he once remarked of Nehru and his Asia first policy: "He appeared to me to suffer from a narrowness in approach towards world affairs."<sup>55</sup>

Lie was also totally inept at times in his diplomatic efforts. In June 1952 he sent a letter criticising Rhee, then Premier of South Korea, for declaring martial law and for the subsequent arrest of several members of the Assembly. The letter then proceeded to lecture Rhee on democratic and constitutional proprieties. Quoting from the letter as it appeared in The New York Times, Lie expressed "deep concern over the proclamation of martial law . . . . Strict adherence to constitutional democratic processes are all the more necessary in a country which must nurse and develop all of its resources to join members of the United Nations in repelling aggression."<sup>56</sup>

The significance of this incident lies not in whether Lie had any effect on altering the South Korean President's action, because he did not, but rather in Lie's tendency to speak out on any and all issues. There was no apparent calculation as to the long-term effect of his action. It might be argued that on the basis of the U.N. role in Korea there was justification for his action. However, whether there was justification or not is of little consequence when analyzing the outcome. Nothing substantive could have been gained by a rapid public attack other than a hardening of Rhee's position. It would have been more in the common interest to discuss the matter quietly with Rhee with at least the United States in attendance as the latter could



bring direct pressures to bear should it choose to do so. Lie had one standard mode of operation, and it usually meant "feet first".

Nonetheless, Lie did make some contributions with his activist stance however disastrous at times, which helped to firmly set a political tenor to the office. Lie's efforts in securing the right of the Secretary-General to unrestricted intervention in meetings of the Organization was a step forward in establishing the political nature of the office. Unfortunately, Lie yielded at times far too much to United States pressures, especially during the American hysteria over the internal Communist menace in the United Nations. Therefore, although he contributed to setting important political precedents, he lacked the ability to effectively utilize them. Then too, he was Secretary-General at a time when the Cold War gave the Great Powers little inclination to sacrifice any of their sovereignty to the International Organization. In Lie's own words, he "was a moral power, not a physical one, and moral power in this world is not conclusive."<sup>57</sup>





## CHAPTER IV

### DAG HAMMARSKJOLD

Through the resignation of Trygve Lie and the election of Dag Hammarskjold, the door was opened, as Lie had hoped it would be, to "fuller use of every resource for strengthening the Charter and institutions of the United Nations."<sup>1</sup> When the front-running candidates failed to win the approval of the Security Council members, Hammarskjold, like Lie, became an acceptable compromise candidate. A point of interest is that both Lie and Hammarskjold had little or no personal influence in their selections.

The political climate into which the new Secretary-General was thrust was quite different from that which had existed in 1946. The office of the Secretary-General was no longer novel, as Lie had already been involved in Korea, Palestine, Greece, the Berlin blockade, the breakdown of colonial empires, and the growing problems of post-colonial development. The new Secretary-General had also to recognize that the office was not immune to attack by member states.

During the early years of his tenure, Dag Hammarskjold, like Lie, exercised a cautious and circumspect attitude to his position. This can be exemplified best by comparing their early Introductions to the Annual Reports. In guarded language in the 1948 Introduction Lie discusses such items as his U.N. Guard Force proposal, the problems of Berlin and the stalemate in the Atomic Energy Commission, and the role



of the United Nations in world affairs.<sup>2</sup> In his 1956 Introduction, Hammarskjold remarked on the emergence of a new nationalism and amplified his view of the United Nations as an instrument for international negotiation.<sup>3</sup> Hammarskjold summed up his early attitude as follows: "As a servant of the Organization, the Secretary-General has the duty to maintain his usefulness by avoiding public stands on conflicts between member Nations unless and until such an action might help resolve the conflict."<sup>4</sup>

In later reports both Lie and Hammarskjold commented in a more straightforward manner with direct references to such delicate matters as Chinese representation, the effect of the Cold War, the employment of the Organization in the face of ideological conflict, universality of membership, and the liquidation of colonial empires.<sup>5</sup> Both Lie and Hammarskjold implicitly or explicitly defended the mode of conduct of their office.

Where the reports differed was that Lie tended to place views before the Organization that were much more subjective and personal than those of his successor. Hammarskjold, in contrast, usually reasoned from principles as demonstrated by his arguments on the question of universality of membership found in the 1956 and 1960 Annual Report. Although he was writing public documents, the general approach gives the impression that they were written for the United Nations delegates. He frequently emphasized only one set of problems and couched it in terms of principles. Simplistically, the differences in styles between Lie and Hammarskjold could be described as the journalistic as opposed to the academic approach.



Hammaraskjold, however, evidenced a recognition that there was a need for a substantial measure of agreement among member states before taking political initiatives. Lie's bold style had proved an important negative example. Hammaraskjold's early years in office were marked by an emphasis on "quiet diplomacy" and a "diplomacy of reconciliation".

This was not only the time for "creative listening" but also a time for molding and studying Hammaraskjold's own position. He attempted to become thoroughly familiar with all aspects of the Secretariat. The entire administrative machinery was carefully, but drastically, overhauled. Fresh personnel were recruited for selected senior posts. Hammaraskjold, by restructuring the administration, hoped to increase the morale of his staff. Federal Bureau of Investigation agents were forbidden access to the United Nations premises. The Secretariat had to be freed from harrassment by the investigators from Senator McCarthy's Committee on Un-American activities.

However, as time progressed, Hammaraskjold found himself devoting much more of his effort to political rather than administrative matters. "To some extent, his (Hammaraskjold's) increasingly close relations with governments and delegations were achieved at the price of greater remoteness from the generality of the Secretariat."<sup>6</sup> This remoteness contributed to Hammaraskjold's difficulties in creating a satisfactory system of consultation and collaboration at the top levels of the Secretariat.<sup>7</sup>

Hammaraskjold did achieve a large measure of success in his political actions and initiatives as Secretary-General. Wilder Foote





outlines Hammarskjold's contribution to the United Nations as being a record

of action as an administrator, as conciliator and negotiator, as representative to governments of the law of the Charter and of the over-riding common interest, and as inspirer and executor of pioneering actions by international organization in support of peace. There is also the record of interpretation and analysis of the Charter and of the developing role of the institutions of the United Nations, always from relationship to the realities of present day international life, to the problems of international attitudes and responsibility and to faith in the possibilities of creative social evolution. <sup>8</sup>

However, Hammarskjold's achievements were in part a product of the man - an individual with divine inspiration and creativity<sup>9</sup> and his particular period of history. As already mentioned, the world political climate, primarily the thawing of the Cold War, had substantially changed the environment or parameters within which the Secretary-General worked. Within this context, a large part of the political climate is dictated by the actions and tolerance of the Great Powers; this does not exclude the effect of the man, as Schwarzenberger argues in his concept of "Hegemonical Intervention". If this concept is taken to its logical conclusion, then Hammarskjold's successes and effectiveness were only a result of Great Power willingness to solve problems using the Secretary-General as a convenient instrument. These arguments cannot be ignored in that the political climate does delineate the areas for operation (for example, difficulties in solving the problems of Hungary and Vietnam). However, this does not preclude the influence of the individual, and Hammarskjold did make contributions. The effectiveness of the man as a catalyst or as a "midwife" is



definitely influenced by his ability and personality, and, therefore, Hammarskjold as the Secretary-General must be viewed from both perspectives, that of an individual with strengths and weaknesses and that of a product of an era, marked by Great Power struggle and/or tolerance.

An excellent example, even though relatively unpublicized in his early years of office, of Hammarskjold's important positive political value was his Peking negotiations. The shooting-down of an American aircraft assigned to the United Nations command in Korea by the Chinese led to a resolution requesting, in vague and general terms, the Secretary-General "to make by the means most appropriate in his judgement continuing and unremitting efforts to seek the release of the airmen."<sup>10</sup> His flight to Peking and his quiet approach to diplomacy enabled him to gain the confidence of the parties involved, bridge the inadequate channels of communication, and serve as an honest broker. His efforts led to the release of the airmen in May and July of 1955. An important by-product of this incident was that it began to build a mystique of success around Hammarskjold. Could Dag Hammarskjold do the difficult and sometimes seemingly impossible?

The emergence of Hammarskjold as an independent political force serving not only as the agent of Member governments but also as the faithful exponent of United Nations purposes and principles became definitively established with the Middle East crisis of 1956. The Secretary-General made it clear that he would serve in this situation only on the basis of full acceptance and respect for the principles and purposes of the Charter. The resolutions adopted by the General





Assembly and Security Council placed important responsibilities on the Secretary-General to secure the implementation of their requests for a ceasefire and the withdrawal of British, French and Israeli forces and to undertake the organization and direction of a United Nations force to facilitate that withdrawal and assist in creating conditions favorable to peace. The Security Council resolution called for the Secretary-General "to arrange with the parties for the adoption of measures" which he should consider "would reduce tensions along the demarcation lines,"<sup>11</sup> and the General Assembly requested the Secretary-General to take all " . . . necessary administrative and executive action to organize the force and dispatch it to Egypt."<sup>12</sup>

While UNEF was legally the creation of the General Assembly, Hammarskjold was instrumental in developing the principles which guided the force. The Secretary-General was intimately involved with the policies he would later administer. Within less than a quarter of the time given him by the General Assembly, Hammarskjold had a plan ready.<sup>13</sup> The tasks ultimately entrusted to the Secretary-General and the powers delegated to him were multifarious.<sup>14</sup>

Hammarskjold continually maintained that he attempted to act as the "servant of the Charter"; and thus he furthered the political role of the Secretary-General developed by his predecessor. Hammarskjold always rationalized his actions in relation to Charter purposes and principles, always insisting that the Secretary-General should not be asked to act "if no guidance for his action is to be found either in the Charter or in the decisions of the main organs of the United Nations" (advice he should have heeded more carefully later in the Congo



developments). He went on to suggest the following qualification:

"I believe it is in keeping with the philosophy of the Charter that the Secretary-General should be expected to act also without such guidance, should this appear to him necessary in order to help in filling any vacuum that may appear in the systems within the Charter and traditional diplomacy to provide for the safeguarding of peace and security . . . ."15

This approach definitely enhanced the political avenues for action.

Hammarskjold gave the Organization notice that he intended to use his office with a greater freedom than had thus far been employed or even contemplated.

Before the Suez situation had developed into an open crisis, Hammarskjold had already given examples of his initiative in diplomacy by talking privately with Middle Eastern leaders (Ben Gurion, Hussein, Nasser). Once hostilities had broken out, he spoke to the Security Council on his own initiative (31 October 1956) suggesting that if the members had not convened the Council, he would have used his rights under Article 99. As already outlined, Lie suggested he would have used a similar approach to the question of the invasion of South Korea (acting on his own initiative under Article 99) had the United States not requested a meeting.<sup>16</sup> Notwithstanding Hammarskjold's comments, he was careful at the October 31, 1956 meeting not to set precedents which would restrict his political powers solely to Article 99. When delegated by the Council authority to act in the Middle East, he emphasized that the resolution neither added to nor detracted from the powers given him by the Charter.<sup>17</sup> As already mentioned, he was most conscious of basing his political activity within the framework of the Charter.





This particular incident was also a good example of Hammarskjold's active part in the Council's actions, assisting the delegates in their negotiating and drafting of the necessary resolution. For his part he was praised extensively by the delegates by the French for his "tact and goodwill", the British for "able and tactful assistance", and the Soviets for "active and fruitful collaboration."<sup>18</sup> As well, the Middle East crisis illustrated to Hammarskjold the need for the Secretary-General to take a public position on an issue:

" . . . the Secretary-General has the duty to maintain his usefulness by avoiding public stands on conflicts between Member Nations unless and until such an action might help to resolve the conflict. However, the discretion and impartiality of his immediate task may not degenerate into a policy of expediency."<sup>19</sup>

In addition, like Lie, Hammarskjold found it necessary to publicly oppose the actions of two of the Great Powers, Britain and France, as well as Israel. However, unlike Lie, he enjoyed at least the partial support of the two Super Powers. The result was an effective and skilful public "balancing act" which added another force against the British and French Middle East position. Furthermore, Hammarskjold pressed for and received a vote of confidence from the Security Council on his interpretation of the Organization's involvement.<sup>20</sup>

The satisfactory conclusion to the crisis was based on the six principles to which the United Kingdom, France, and the United Arab Republic had agreed in the office of the Secretary-General. Unlike the Korean operation, the United Nations Emergency Force was the first force formed by and placed under the control of an international organization (UNEF was formed on November 4, 1956 on the initiative of the Secretary-





General). In addition, and much to his credit, Hammarskjold negotiated the Host Agreements,<sup>21</sup> pressed for the clearing of the canal, and pushed the United States to pressure Israel in Gaza. These occurrences indicated that the position of the Secretary-General had developed to one of strength, influence and relative independence. Given the influence and involvement in the Middle East crisis, it was apparent that what strength the Secretary-General had in settling disputes rested not only with the willingness on the part of Member States to vest responsibilities in the Secretary-General, but also with the way in which the power was skilfully utilized, the latter factor was one dependent on the man.

The confidence with which Member States entrusted Hammarskjold was reflected in the delegation of wide powers related to the internal affairs and operation of UNEF. In its Resolution 1001/ES-1, the General Assembly authorized the Secretary-General to issue all regulations and instructions which may be essential to the effective functioning of the Force.<sup>22</sup> In pursuance of this Provision, Hammarskjold issued the Regulations for UNEF in February 1957.<sup>23</sup> A point reemphasizing the trust placed in the Secretary-General was his appointment as Commander-in-Chief of the operation rather than a military man directly responsible to the Assembly. This was the principle so heatedly contested by Conor Cruise O'Brien in the Congo operation. He argued that the Secretary-General, having had no military training and experience, could not head such a venture and in the end seriously hampered the military functions and perhaps aborted the operation.



During the same period as Suez, Hammarskjold's repeated efforts to be of constructive service in the Hungarian crisis were rejected. In this issue Hammarskjold was restricted largely by the fact that the Soviet Union had no desire for the United Nations to get directly involved. The Hungarian crisis illustrates dramatically the political reality that when the interests of the Super Powers are at stake, the Secretary-General has little scope for action. The Cuban missile crisis and the Vietnam War also demonstrate the same point. Under these conditions, coupled with the priority of the Suez Crisis, which involved directly neither Super Power, the Secretary-General never had a reasonable chance for success in Hungary, even though he put himself on record as favoring action. Hammarskjold warned that in the Hungarian case he could not follow a policy of expediency, nor serve on any other assumption than that the members would observe the Charter.<sup>24</sup>

Hammarskjold's involvement and contributions, especially in the delicate negotiations in the Middle East during 1956 and 1957, undoubtedly resulted in the extension of his office when hostilities developed in Lebanon in 1958. The Soviet Union and the United States were on opposite sides here, with the direct intervention by the Americans vigorously attacked by Moscow as a violation of the Charter. The Security Council, by its Resolution of June 11, 1958: "Decides to dispatch urgently an observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration or supply of arms or other material across the Lebanese borders; Authorizes the Secretary-General to take the necessary steps to that end."<sup>25</sup>





Thus, while the organization and operation of the Group was left to the Secretary-General, he acted under a Security Council mandate issued under Chapter VI of the Charter. Hammarskjold was later to describe UNOGIL, as he had described UNEF, as "an instrument of efforts at mediation and conciliation."<sup>26</sup>

Hammarskjold must receive much of the credit for developing the concept of an observer group, as well as persuading the Security Council to adopt this approach to problem solving. It was the first time he had publicly outlined a plan of action to ameliorate a sensitive political problem. The apparent initial success of the Group in making possible the withdrawal of American and British troops enhanced the prestige and political involvement of the Secretary-General.

In justifying the Secretary-General's role in the Lebanon dispute, Hammarskjold relied heavily on the concept that the Secretary-General is the "Guardian of the Charter" and should act to preserve its principles even where the other organs of the United Nations refuse to act. This was an application of his statement to the General Assembly on his philosophy of "filling any vacuum" which was quoted previously above.<sup>27</sup>

The importance of this situation was the interpretation given the narrow mandate received by the Secretary-General which developed into an observer function. Again reference must be made to Schwarzenberger's concept of "hegemonial intervention"<sup>28</sup> so as not to exaggerate the influence of either Hammarskjold and the United Nations or minimize the problems of power relationships between the Great Powers.



Neither the United States nor the Soviet Union were directly involved at the onset of the crisis.

Without direct authorization from the General Assembly or the Security Council, Hammarskjold established a United Nations presence in Jordan in 1958 in the nature of a representative, P. P. Spinelli, in Amman. He was to fill both a diplomatic and observer function. Acting largely autonomously as a diplomatic advisor to the Jordanian government, Spinelli sought mainly to reduce misunderstanding, press for moderation, and remind the local government of the broader context of international politics outside of the Middle East. The long continuation of the mission in reducing hostilities testified to its acceptability. Hammarskjold's initiative in establishing the mission did much to create a climate for the peaceful resolution of the hostilities in Jordan.

In line with his political initiatives in Lebanon and Jordan, Hammarskjold took the opportunity in the Introduction to his Report for 1958-59 to expound his views regarding the changing political role of the United Nations and, more particularly, that of the Secretary-General. He noted that while

the statement of objectives in the Charter is binding and so are the rules concerning the various organs and their competence . . . it is not necessary to regard the working methods indicated in the Charter as limitative in purpose . . . . The United Nations, as a living organism, has the necessary scope for a continuous adaptation of its constitutional life to the needs of the Organization. 29

In this connection he called attention to the "special diplomatic and operational functions" with which the Secretary-General had been





entrusted by the General Assembly and Security Council and to recent instances where the Secretary-General, without authorization from the General Assembly or the Security Council, had dispatched personal representatives at the request of governments. He concluded:

Thus, the wider function, which in specific cases have been exercised by the Secretary-General, fully maintain the character of the United Nations as an Organization whose activities are wholly dependent on decisions of Governments. On the other hand, the development reflects an incipient growth of possibilities for the Organization to operate in specific cases within a latitude of independence in practice given to it by its Member Governments for such cases.<sup>30</sup>

This Introduction to the Annual Report of 1958-59 was in part a justification for his action in visiting Laos and the establishing of a personal representative there on his own authority. The Secretary-General argued that it was his duty to obtain independent and full personal knowledge of the problem. Here again he was breaking new ground in extending the implications of Article 99, in other words creating an independent political role for the Secretary-General.

It is in keeping with the philosophy of the Charter that the Secretary-General should be expected to act without any guidance should this appear to him necessary in order to help fill any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security.<sup>31</sup> This statement marked the full flowering of a far-reaching concept of the office of Secretary-General, whose incumbent would engage in high level diplomacy and would be guided by the Charter and his personal conscience to work in the cause of peace.





Hammarskjold called this concept of the activity of the Secretary-General "preventive diplomacy".<sup>32</sup> It urges diplomatic action by the Secretary-General to forestall the worsening of international friction. It includes some of the many kinds of arrangements which have been lumped together under the heading of a "United Nations presence".

Hammarskjold claimed the main significance to the evolution of the Secretary-General's office in Laos

lies in the fact that it has provided means for smooth and fast action, which might otherwise not have been open to the Organization. This is of special value in situations in which prior public debate on a proposed course of action might increase the difficulties that such an action would encounter, or in which a vacuum might be feared because Members may prove hesitant, without fuller knowledge of the facts or for other reasons, to give explicit prior support in detail to an action which, however, they approve in general terms or are willing should be tried without formal commitment.<sup>33</sup>

This passage contains some remarkable reasoning, for it seems to advocate a course which encourages the Member States to support broad initiatives by the Secretary-General without taking any responsibility of their own. At the same time it might be asserted that this would be merely a conciliation function undertaken by the Secretary-General with tacit approval of the Members. It is difficult to see how he could perform more than a fact-finding role if full knowledge were not available, but the passage strongly hints at a stouter effort than mere investigation.

It was in July, 1960 and the months following that the Secretary-General's political role assumed its most advanced and, at the same time, most controversial form. With the Congo crisis, wide discretionary



powers were vested in Hammarskjold by the resolutions of both the General Assembly and the Security Council.<sup>34</sup> The Congo operation was, by the July 14, 1960 Resolution, entrusted to the Secretary-General by a mandate which could scarcely have been wider. The Security Council:

Decides to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of Congo, to provide the Government with such military assistance as may be necessary.<sup>35</sup>

The technique, which had proven successful in the past, particularly with UNEF, has been accurately summarized in the phrase "leave it to Dag!"<sup>36</sup> It went on, "This escapism on the part of United Nations bodies was hardly fair either to the Secretariat or to the U.N. as a whole". It was left to the Secretary-General to give substance to the vague terms, and this he did by formulating the principles he conceived to be applicable to the Force, having indicated even prior to the adoption of the Resolution, in his statement to the Council, that he would follow the pattern and principles which had served for UNEF.<sup>37</sup> While not one of these principles went unchallenged as events developed, it was the principle of non-intervention in the internal political affairs of the host country which, in its application, brought upon the Secretary-General the strongest criticism and eventually the call by the Soviets for his resignation.

The result was an attempt by Hammarskjold to see to the Security Council's clarification of the mandate it had issued.<sup>38</sup> Because of the vague terms of the 14 July resolution, in reporting to the Council the Secretary-General formulated principles applicable to the Force, having indicated even prior to the adoption of the resolution that he





would follow the pattern and principles which had served for UNEF.<sup>39</sup>

Hammarskjold took the position, in his first report, that since the Resolution had been adopted in response to his initial statement to the Council - in which he set out these principles - that statement became a basic document in the interpretation of the mandate. These principles which emerged for ONUC set out;

1. The exclusive nature of the United Nations' control over the Force.
2. The composition of the Force on the basis of assistance from African nations, but qualified by an element of the universality essential to any United Nations' operation.
3. The prohibition against interference in the internal domestic affairs of the host state (the principle of non-intervention).
4. The limitation of the Force to action in self-defence.
5. The freedom of movement of the Force.<sup>40</sup>

Unfortunately the clarification and support Hammarskjold had requested was not forthcoming in any formal resolution, although nine of the eleven members voiced their approval of the interpretation.<sup>41</sup>

This left the Secretary-General to remind the General Assembly:

"Sometimes one gets the impression that the Congo operation is looked on as being in the hands of the Secretary-General, as somehow distinct from the United Nations. No: This is your operation, gentlemen . . . . It is for you to indicate what you want to be done. As the agent of the Organization, I am grateful for any advice, but if no such positive advice is forthcoming - as happened in the Security Council on August 21, when my line of implementation has been challenged from outside - then I have no choice but to follow my own conviction, guided by the principles to which I have just referred."<sup>42</sup>



This was not entirely a new position for the Secretary-General to find himself in, as he had on earlier occasions outlined the way in which his own office should function in the absence of specific instructions from the political organs. Hammarskjold's decision in July 1958 to enlarge UNOCIL, his role in 1959 in Laos, and his discussions with the Union of South Africa in 1960 on the apartheid issue were all effected without a mandate from the Council or the Assembly. Herein lies one of the major problems for the Secretary-General - he must either have instructions from the Security Council or the General Assembly or else he must be able to deduce authority directly from the Charter. In filling vacuums left by the inability of the deliberative organs to act, the Secretary-General might be left in a vulnerable position which would leave him without the full confidence of the membership. As a result, his effectiveness is limited, especially if one of the Super Powers does not support his interpretation. This is the reality of the parameters of the office.

Hammarskjold had a tendency to rely too heavily on the drafts of resolutions which failed adoption but gained in discussion sufficient support to be considered as an expression of the opinion of the majority of members. An important example of this reliance was Hammarskjold's letter of 21 December 1960 to President Kasavubu in which he outlined his intention to continue his mandate and to ensure that no foreign military or para-military personnel were introduced into the Congo.<sup>43</sup> The letter was based on the Four Power Draft Resolution which had been vetoed by the Soviet Union in the Security Council on



14 December 1960.<sup>44</sup> This recourse to unadopted resolutions, while it could be rationalized in view of the disagreements within the Security Council and the necessity, nonetheless, to continue with the ONUC operation, was an unfortunate development. The Secretary-General admittedly claimed such resolutions (14 December 1960 and the 21 February 1961 second Three Power Resolution S/4733 dealing with foreign military personnel and the actions of existing national forces in the Congo) had moral rather than legal value,<sup>45</sup> but there is considerable danger in any course which treats unadopted resolutions otherwise than as completely inoperative. This is not to argue that the ideas underlying them are not useful and should be forsaken, but rather that using these ideas as the basis for unauthorized action is inviting serious, and perhaps unmanageable, criticism.

Thus, in review, the special significance of the Congo situation lay in the failure of the Organs to give the Secretary-General specific directives for dealing with rapidly changing and unanticipated circumstances and, in the absence of these directives, the willingness of the Secretary-General to make himself an interpreter and executor of the will of the Organization. As Hammarskjold explained in his address at Oxford University on 30 May 1961, "unforeseen and unforeseeable problems . . . made it necessary for (him) repeatedly to invite the Council to express themselves on the interpretation given by the Secretary-General to the Mandate, (Security Council resolution of 13 July 1960)," and therefore, not by choice, Hammarskjold had to deal with such problems as the foreign military in the Congo on the basis of





his own interpretation of the Charter and not that of the Council.<sup>46</sup>

The problem of vague and inadequate direction by the General Assembly and the Security Council also resulted in difficulties in the relationships between the United Nations Forces' military commanders in the field and the Secretary-General. The criticism suggested by a number of prominent military and diplomatic personnel (specifically General van Horn and Conor Cruise O'Brien) of the Secretary-General's interference in issues beyond his competence, as well as his personal and tight control of the operation is noteworthy. One of the basic arguments in favour of these critics is the lack of a proper United Nations Command. Very early in the history of the United Nations it was apparent that the Military Staff Committee would not function adequately since the obstacles in the way of agreements under Article 43 were political questions deeply rooted in the East-West conflict. The major disagreements as to relative size of military contributions, location of forces and bases, and assistance to Members unable to meet their obligations under Article 29 are all explicable in terms of the suspicion with which East and West regarded each other's actions. The Soviet Union was, and still is, in political terms, in a minority of one. It is, therefore, a trite but true statement that progress in this military area cannot be made until political distrust is allayed.

Thus the Secretary-General became the Commander-in-Chief. Without adequate military advisors it was difficult for a civil servant diplomat to be an effective commander. Hammarskjold can be justly criticized for taking too much upon himself in making military operational and administrative decisions without an adequate military



advisory support staff. In addition, O'Brien also criticized Hammarskjold's involvement in military operations on the grounds that responsibility for details of a peacekeeping operation would put the Secretary-General in an extremely vulnerable position. He cannot please everyone, and may compromise his position as Secretary General by antagonizing a major power.<sup>47</sup>

It is not only the military men who took exception to Hammarskjold's iron grip on the Congo operation. His special representative in the Congo, Rajeshawar Dayal, resigned in May 1961, claiming that his job was useless since "the responsibility for the direction and coordination of the Operation (was) falling increasingly on the U.N. Headquarters in New York."<sup>48</sup>

It was during the events in the Congo that the Soviet Union attacked Dag Hammarskjold and his conception of the role of the Secretary-General most vigorously. Until 1960 the Soviet Union appeared to trust and respect him. (Major previous Soviet criticism of Hammarskjold was confined to his position on the Laotian, and, quite predictably, the Hungarian questions). Indeed, the Soviet Union supported the resolutions, asking the Secretary-General to implement the Security Council's decisions (July and August 1960). Soon after these resolutions, however, the Soviet Union launched a bitter personal attack on Hammarskjold. Firstly, Khrushchev complained that the Secretary-General had disregarded decisions of the United Nations organs. There is some justification in this criticism, not specifically in that Hammarskjold disregarded decisions, but in that he acted beyond his mandate. Secondly, and more general, Krushchev was convinced that





Hammaraskjold supported the Western nations in the Congo. This also has elements of truth in that when Hammaraskjold acted, he quite often did so in accordance with the spirit of defeated resolutions, resolutions which had been vetoed by the Soviet Union. Finally, Hammaraskjold was accused of being biased, particularly against the Soviet Union and its allies - a difficult criticism to consider seriously in that Hammaraskjold always attempted to act within the framework of the Charter. It is difficult to attribute his success or failure to his personal biases.

Examples of the Soviet criticism are contained in the Official Records 1960 -

a) Mtg. 901 (Security Council)

Zorin - "The command of the United Nations force and the Secretary-General personally are pursuing a policy of encouraging dissident, anti-national elements, who, in order to curry favor with the colonists, are prepared to sacrifice the country's independence and barter away its territory."<sup>49</sup>

b) Mtg. 869 (General Assembly)

Khrushchev - "In implementing the Security Council's decisions, the Secretary-General in effect adopted the position of the colonialists and of those countries who support the colonialists."<sup>50</sup>

c) Mtg. 882 (General Assembly)

Khrushchev - "Everyone has heard how vigorously the imperialist countries defend Mr. Hammaraskjold's position. Is it not clear then, in whose interest he interprets and executes those decisions (of the SC and General Assembly) whose 'saint' he is."



"Mr. Hammarskjold has always been prejudiced in his attitude toward the socialist countries. The events in the Congo (Leopoldville), where he played a simply deplorable role, were merely the last drop which filled the cup of our patience to overflowing."<sup>51</sup>

d) Mtg. 904

Khrushchev - "I am not making war on Mr. Hammarskjold personally. I have met him and we have had very pleasant conversations. I consider that Mr. Hammarskjold is in my debt, because he exploited me, when he was our guest on the Black Sea. I took him around in a row-boat and he has not paid off that debt; he has not done the same for me."

Hammarskjold - "I have not, as he said, been able to reply in kind. But my promise to do so stands, and I hope that the day will come when he will avail himself of this offer. For if he did, I am sure that he would discover that I know how to row - following only my own compass."<sup>52</sup>

Khrushchev outlined bluntly that the countries of the Soviet bloc no longer trusted Hammarskjold and called on him to resign. Later the Soviet Government went even further and demanded that Hammarskjold be dismissed from his post. When these attempts failed, they ignored him, as they had Lie. In a letter of 14 February 1961 they stated they would "not maintain any relations with Hammarskjold and . . . not recognize him as an official of the United Nations."<sup>53</sup>

The Soviet Union's attack on the Secretary-General may be partially attributed to several factors, all stemming from the Congo operation - the size and urgency of the Congo operation, the complete breakdown of civil administration, and the uncertainty over political control and power in the country. When the situation took on added East-West implications, policy bodies of the U.N. were prevented from guiding



the operation, leaving Hammarskjold more vulnerable to criticism.

Hammarskjold, in replying to the Soviet criticisms, stated that he would be grateful for any "positive advice" but if it was not forthcoming, "then I have no choice but to follow my own convictions guided by the principles (of the Charter)."<sup>54</sup>

Clearly the assumption of political responsibility in situations where the important interests of the Super Powers are involved carries a considerable degree of risk for the Secretary-General. As Trygve Lie was forced to recognize, the limits of the political role of the Secretary-General are defined not only by the provisions of the Charter, but also by the facts of international life. However, Hammarskjold contended that when necessary the Secretary-General must take action in the interests of world peace, notwithstanding that such action might involve him directly in a politically sensitive issue.<sup>55</sup> One can agree with this interpretation; however, this does not give the Secretary-General full liberty to go continually against the interests of one particular Super Power. Without the support of at least one Super Power and the Super Power varying from issue to issue, the Secretary-General becomes totally ineffective. This is demonstrated quite conclusively by the Soviet Union's non-support of Lie.

Principle and law cannot decide all questions confronting the Secretary-General; problems of political judgement still remain. However, there are other techniques open to him which could reduce the element of purely personal judgement. Frequent consultation with the permanent missions to the United Nations is one such technique. Another





is the Advisory Committee, which in the case of U.N.E.F. and the Congo force "provided an essential link between the judgement of the executive, (the Secretary-General and his staff) and the consensus of the political bodies." The area of discretion which remains must be exercised with integrity and conscience, Hammarskjold asserted that: "If integrity in the sense of respect for law and respect for truth were to drive (him) into positions of conflict with this or that interest, then that conflict is a sign of (his) neutrality - and not of (his) failure to observe neutrality - then it is in line, not in conflict with (his) duties as an international civil servant."<sup>56</sup>

From the onset, Hammarskjold viewed his political role as a necessity. In one of his first declarations as Secretary-General, Hammarskjold said that no part of his task was "more challenging than the one which consists in trying to develop all the potentialities of that unique diplomatic instrument which the Charter has created in the institution called the Secretary-General of the United Nations."<sup>57</sup> He emphasized the concept of the Secretary-General as the trusted consultant of all sides, and this was particularly true in connection with East-West conflicts. Hammarskjold saw it as the Secretary-General's duty to form "a most complete and objective picture of the aims, motives, and difficulties of the United Nations" and on the basis of that knowledge "to seek to anticipate situations that might lead to new conflicts or points of tensions and to make appropriate suggestions to the governments before matters reach a state of public controversy."<sup>58</sup>

Although he realized the potential, Hammarskjold did not recognize the full practical limitations on his actions. The Charter



affords scope for political initiative on the part of the Secretary-General; however, the provisions must be interpreted cautiously and within the implicit or explicit willingness of Member States to support such interpretations. No Secretary-General, as Lie discovered, can operate in a partial vacuum, since his mandate largely stems from the Member States. When he has lost the confidence of some of the states and especially a Super Power, his usefulness as Secretary-General no longer exists.

Hammaraskjold, in his actions and statements, did not appreciate this problem. He contended that the right of initiative given the Secretary-General under Article 99 "is important because that right implies a recognition of his responsibility for action for peace, in such form as may be appropriate, irrespective of the views and wishes of the various member governments."<sup>59</sup>

Hammaraskjold's general approach, however, is laudable. In the present age, there is no alternative to a diplomacy of reconciliation, and one must conclude that this is the most important role for the United Nations and its Secretary-General. Since a universal system of collective security remains beyond reach for the present, this work must be carried out primarily by the processes of reconciliation and realistic construction. Therefore, it is important that the Secretary-General does not become identified completely with one approach if he is to be effective in this process. Unfortunately, as Lie had become identified by the Soviet Union with the United States in Korea, similarly Hammaraskjold lost his influence when the ONUC operation linked him to one side in the conflict. As a result, Hammaraskjold's use in





assisting in negotiating a compromise was impossible. Hammarskjold had built a personal authority over the United Nations diplomatic machinery which was virtually lost through his involvement in the Congo operation.

Before concluding this chapter on Hammarskjold, it is useful to question whether the Secretary-General can detach himself from a political and cultural background and environment to become free of partisan influences. As already discussed, partisanship was one of the criticisms levelled at Hammarskjold by the Soviet Union. In a well-known interview with Walter Lippman, Khrushchev once said, "While there are neutral countries, there are no neutral men."<sup>60</sup> Hammarskjold was naive in thinking that an individual's conception of the international interest is not linked with his cultural background and value system.<sup>61</sup> It is this fact that will make the selection of another Secretary-General after Thant a difficult task.

It was Hammarskjold's particular good fortune that, as the Cold War waned, the most pressing international problems did not always arise from threats of direct aggression by the Super Powers. However, with some justification, the United Nations - and Hammarskjold in particular - did exert an influence on problems between the Super Powers. The United Nations was also successful in insulating difficulties arising in the third world through Hammarskjold's concept of active preventive diplomacy. This last point marks the strength of Hammarskjold's tenure.

Hammarskjold welcomed and successfully exploited the great influx of new Member Nations from Africa because he recognized that the task of reconciliation between the West and East required the introduction



of a third force.<sup>62</sup> To some extent, the larger the number of States in such a third force, the greater the contribution to the flexibility with which the Secretary-General can act. However, the situations must not involve the direct interest of the Super Powers.

Although he warned against expecting the Secretary-General to shoulder responsibilities that rightly belonged to Member governments, Hammarskjold, in many instance such as the Congo crisis, welcomed the opportunity. Furthermore, he believed the United Nations could serve increasingly in preventing the Cold War from spreading and in gradually narrowing the margins of this conflict. As already indicated Hammarskjold did not realize the full implications and difficulties of this approach, as did Lie before him.

Hammarskjold envisioned a truly international Secretariat, a vital instrument bound to neutrality among all national interests and to service only to the Organization as a whole. However, he did not always follow his own idealistic approach. Hammarskjold became entangled in the Congo conflict where he chose a course contrary to the position of a Super Power and thus compromised his usefulness. Hammarskjold had overstepped the undefined boundaries of his office. The Soviet Union was displeased enough with the Secretary-General that it proposed he serve only as the chief administrator of a Secretariat, technically assisting a vast conference machinery.<sup>63</sup> Fortunately, such a limited role was buried with the League and was not seriously considered by the Organization, for the majority of the members saw the value of the political role of the Secretary-General as it had been developed by Hammarskjold.



One point which Hammarskjold's colleagues at the United Nations often made about him was that he was usually ahead of everyone in his thinking about individual crises and about the course of international politics in general. Barbara Ward has commented that Hammarskjold "was a man of the next generation."<sup>64</sup> Critics of Hammarskjold have noted that he was unrealistic in his judgement of what the Organization could accomplish and that his concept of the Organization was too ambiguous.<sup>65</sup>

It is true that Hammarskjold was willing to take some risks of alienating important Members when he supported the establishment of peacekeeping forces. He was willing to take calculated risks but he was not reckless. In retrospect, one can conjecture that Hammarskjold was probably a bit optimistic regarding the ability of the Organization to solve the Congo problem in a manner acceptable to all Members, but it should be stressed that he did not stray far from what the great majority of the Members favored or thought possible. While Hammarskjold was optimistic about the potentialities of the United Nations, one's overall judgement of his activities must be admiration for his understanding of how the United Nations could be used creatively to promote international peace.





## CHAPTER V

### U THANT

Before discussing U Thant in detail, there is a need for a review of the "Troika" proposals and their implications. In the early 1960's, the Soviet Union became increasingly critical of the growing power of the Secretary-General. To some extent this increase in power was due to "the natural consequence of the shifting of the political centre of gravity from the Security Council to the General Assembly and the necessity for this large and cumbrous body to delegate extensive powers to the Secretary-General."<sup>1</sup> This growing political power had been unencumbered by the veto, and the Soviet Union thus found itself with little or no control over what was rapidly becoming one of the chief political institutions of the United Nations, the office of the Secretary-General. To counteract this, the Soviet delegates put forward the so-called "troika" proposal. As Khrushchev explained to the 1960 General Assembly:

"We consider it advisable to set up, in the place of a Secretary-General who is at present the interpreter and executor of the decisions of the General Assembly and of the Security Council, a collective executive organ of the United Nations consisting of three persons, each of whom would represent a certain group of States. That would provide a definite guarantee that the work of the United Nations executive organ would not be carried on to the detriment of any one of these groups of States."<sup>2</sup>

The three groups of states to which Chairman Khrushchev referred were the Soviet bloc, the Western bloc, and the non-aligned nations.



While no specific mention of a veto was contained in the proposal, it was tantamount to the introduction of a veto into the Secretariat.

Needless to say, the implications of this proposal are far-reaching. Administrative and political actions of the office would be severely limited, as decision-making would involve three individuals representing specific interests. This could well reduce the organization to the level of being nothing more than conference machinery. In addition, lack of unanimity among members of the "troika" could bring to a halt or prevent a wide range of operational activities, primarily in the political field, but also in economic and social fields. But perhaps most significantly, the office would become a mere committee of the decision-making organs - an executive committee reflecting and repeating the difficulties which had made it impossible for the Council and the Assembly to reach a clear-cut policy initially. Furthermore, such an office would be continuously impeding impartial execution of decisions while at the same time it would likely be enmeshed in controversies as to methods of implementing policies already developed. The effect would result in a serious restriction of the political activities and possible initiatives of the office of Secretary-General.

The Soviet challenge to the role of the Secretary-General was serious but was rejected by the Member states, especially the smaller powers, the underdeveloped countries who appreciated the strength and effectiveness of the office of the Secretary-General. Also, the Soviet proposals would have required an amendment to the Charter,





which could be adopted only with the consent of all five great powers and two-thirds of the member states.<sup>3</sup>

The Soviet Union did not press the issue when Hammarskjold died because it likely would not have received more than a dozen votes.<sup>4</sup> What amounted to a vote of confidence in Hammarskjold took place at the Fourth Emergency Special Session of the Assembly on 15 September 1960, and this was confirmed the following April. It had been proposed to omit the words "by the Secretary-General" from the draft resolution, asking that "necessary and effective measures be taken" to prevent the introduction of arms and supplies to the Congo. A roll-call vote was requested by Guinea, and the proposal not to refer to the Secretary-General was rejected 83 votes to 11, with 5 abstentions. The minority comprised the nine Soviet bloc states of Eastern Europe, together with Cuba and Guinea.<sup>5</sup> This was a striking expression of confidence in Hammarskjold and the one-man Secretary-General concept.

With the appointment of U Thant as Acting Secretary-General after Hammarskjold's death, the Soviet proposal was abandoned. However, concern still remained in certain quarters that U Thant's intention of appointing eight undersecretaries was an important concession which might establish a principle leading to the direct opposite of an international civil service.<sup>6</sup> U Thant suggested that he would consult these undersecretaries who would represent geographic areas on all important problems and plans. However, at no time did U Thant promise to treat these undersecretaries in any capacity other than as advisors, and there is no indication that he has utilized them in any other way.



Hammaraskjold's death had probably one fortunate consequence in that it permitted the question of the future role of the Secretary-General to be considered in relation to a new personality who was not himself a subject of bitter controversy. This did not mean, of course, that all basic issues of either the United Nations or the Secretary-General in that Organization had been resolved.

On November 3, 1961, U Thant was unanimously elected to fill the position of Acting Secretary-General. By appointing a skilled diplomat the Member States implicitly acknowledged the need for a political role in the office of the Secretary-General. U Thant was a trusted, and thus acceptable choice, known personally by most of the delegates as he had served as a Burmese delegate to the United Nations since 1952.

At the time of his appointment, U Thant had less extensive foreign affairs experience than either Lie or Hammaraskjold and had held lesser governmental ranks. A colonial background gave him a special insight into the problems of the former colonies and the underdeveloped countries. As a Burmese representative to the United Nations, Thant had an identification with the uncommitted nations, among whose representatives he had considerable prestige. When he was appointed Acting Secretary-General, Thant had already had far more experience with the United Nations than either of his predecessors.<sup>7</sup>

Advocating non-alignment rather than neutrality, and indicating that neutrality has overtones of passive rather than active involvement, U Thant's approach, similar to that of Hammaraskjold, has been one of consolidation and consideration of fundamental problems -- problems which cut into the continued existence and effectiveness of the United Nations,





such as financing and development programs. Although such questions as development and financing are political, Thant tends in the area of political initiative to play a more passive role than did his predecessors.

Although he endorses Hammarskjold's view of the role of the Secretary-General, seeing the United Nations as a dynamic institution<sup>8</sup> U Thant has, by and large, exercised his initiatives and authority in quieter ways. In an address in Stockholm in May, 1962, U Thant declared himself in full agreement with Hammarskjold's policy that the Secretary-General should act spontaneously to carry out the constitutional purposes of the organization.<sup>9</sup> Notwithstanding that he approaches political initiative in quieter ways, he has found it necessary to speak forcefully at times, as illustrated by his comment that the Congolese leaders were "a bunch of clowns"<sup>10</sup> and by his repeated position opposing American involvement in Vietnam.<sup>11</sup>

In addition Thant holds the position that the Secretary-General must always be prepared to take initiatives, if the situation is serious enough, regardless of the consequences to himself. Furthermore, he contends that it is the Secretary-General's constitutional position which gives the flexibility and freedom to act. Thant also argues that while it is necessary for the Secretary-General to examine the practical possibilities of effective action, he must constantly weight the need for maintaining peace.<sup>12</sup>

In this way Thant seems to have tempered his role with the limitation of political applicability. Therefore, when comparing Thant's approach with Hammarskjold's commitment to filling political





vacuums regardless of the consequences, one finds Thant's more restrictive, more sensitive to practical limitations. Thant's approach to the office could therefore be paraphrased as being cautiously guarded--acknowledging reality, but leaving the door ajar.

Although U Thant shows a basic understanding of the use of and need for a quiet approach to diplomacy, suggesting that difficult problems are usually more responsive to hard work and negotiation than to dramatic approaches,<sup>13</sup> his successes have been limited.

The Organization has been adapted to many of the needs of the new world by U Thant's leadership, the U.N. Development Decade being a prime example. He stresses the role of the United Nations in assisting underdeveloped states and explains his initiatives in this area as follows:

It is no doubt true that the Secretariat of the United Nations is the servant of member governments. Yet if a major world crisis were imminent, it would be my imperative duty to express my viewpoint on it and strongly to urge all steps that could lead to a successful solution. I feel this duty no less incumbent because the crisis of world poverty is a quiet, almost creeping crisis or because the prospects of a final solution may be distant.<sup>14</sup>

These comments are significant in reflecting the personal concern of the Secretary-General with problems that are not totally political. Furthermore, U Thant's ability to understand and to convey this understanding in such areas is a partial redirection of the initiatives of the Secretary-General. Although both Lie and Hammarskjold were concerned with these issues, their orientation and concentration, as well as their political problems, tended to place these problems in a lower priority. This change in emphasis is also no doubt a result of the



changing membership of the United Nations. With the increasing influx of new underdeveloped "poor" states, the United Nations must necessarily alter its priority lists. While peace and security must remain as foremost aims, the definition of what is involved in the maintenance of peace and security can, and has, changed. Underdevelopment is an integral part of the present possible threat to the maintenance of peace and security.

U Thant suggests that the role of the United Nations and its Secretary-General is "a catalyst, a forum, and an agency for the peaceful settlement of disputes and the relaxation of East-West tensions,"<sup>15</sup> but, not neutral. It must at times take a stand which could be in support of one or more of the major powers. Secondly, he concludes that "we need new approaches and new ideas for our new world and we must develop them by genius and cooperation within the machinery of the Charter."<sup>16</sup> However, there is little evidence that this rhetoric has been translated into concrete action. With the exception of the development question, Thant's mode of operation has been similar to that pioneered by Lie and Hammarskjold.

Despite the severe criticism of the office of the Secretary-General by the Soviet Union and the proposal to introduce the representation of interests into the office, it is important to note that U Thant's authority did not appear to be given the inflated views of many of the delegates. On November 3, 1961, the day of U Thant's appointment as Acting Secretary-General, Adlai Stevenson commented, "there will be no veto in the Secretariat and no weakening of the office" and C. S. Jha of India stated, "We are very happy that the





authority of the Secretary-General has been fully maintained. There has been no denigration of the position and the authority that the Secretary-General has been given under the Charter." The Soviet Union approach was guarded and muted by the exuberance of praise coming primarily from the non-aligned member states.<sup>17</sup>

As already suggested, U Thant did announce that he would make every effort to appoint a number of senior staff members on a regional basis. Valerian Zorin of the Soviet Union expressed the hope that with the appointment of a group of the Secretary-General's main advisors "practical steps would be taken to eliminate the one-sided nature in the activities of the administrative body, and to establish proper and equitable geographic distribution of the staff of the Secretariat, as required by the Charter."<sup>18</sup>

U Thant's plan was a concession to the Soviet proposal. The advisors did not, however, reach the level of under-secretaries-general. The Soviet Union, while supporting a "conference approach", was satisfied by the intentions of the new Secretary-General. Its acceptance of Thant was also affected by the position of the smaller states, who defined it as in their interest to maintain an independent political role for the Secretary-General.

Although it would appear that U Thant uses a more decentralized or team approach to decision-making, than either of his predecessors he is unquestionably capable of making his own decisions and sticking to them.

Thant's tribute to Hammarskjold is worth reviewing in that it reflects the qualities Thant felt were of importance in a Secretary-



General. In an address in the Hammarskjold Memorial Lecture Series he outlined that he admired Hammarskjold's wide culture, penetrating intelligence, amazing grasp of the most complicated issues, intellectual integrity, tenacity of purpose, indefatigable industry, and tireless stamina.<sup>19</sup> Regardless of whether or not these qualities can be attributed to Hammarskjold, Thant had a most idealized view of the office of Secretary-General.

U Thant faced two important tasks at the outset of his tenure - he had to guide and inspire a Secretariat at a time when the United Nations as a whole faced serious political and financial problems and secondly, he had to pressure for the establishment of an effective system of consultation at a top-level of the Secretariat, a process which Hammarskjold disregarded. Although he appointed principal advisors, U Thant has retained the technique of single authority as the model for operation; he has sent the chief advisors on specific missions. On taking office, Thant appointed Bunche and Arkadev (who had worked under Hammarskjold), as Principal Advisors and added three new appointees: Jiri Nosek of Czechoslovakia, P.K.J. Amachree of Nigeria, and Omar Loutfi of the United Arab Republic.<sup>20</sup> Although there have been some changes in the administrative structure up to mid-1966, they do not appear to have had significant influence in creating anything really new. In May of 1968 an announcement was made outlining a committee of experts to study the reorganization of the Secretariat.<sup>21</sup> Presumably U Thant has some ideas on the form reorganization should take; however, neither has Thant openly commented nor has the committee of experts reported.

One of the more important initiatives in the administrative area





taken by a Secretary-General was U Thant's original and expedient, although partial, solution to the financial crisis. Before discussing Thant's initiative in creating a 200 million dollar bond issue, it is useful to review the steps leading to the crisis and the involvement of both Hammarskjold and Thant. Budget or finance are integral parts of the maintenance of peace and security, and, from certain issues of peace and security unusual budgetary and financial demands have arisen.<sup>22</sup> Before the advent of assigning peace-keeping functions to the Secretary-General, only small percentages of the Organization's budget were directly related to peace and security. The funding of the Korean operation was not handled through the United Nations. However, the establishment of U.N.E.F. and O.N.U.C. resulted in a substantial increase in the need for funds which produced a financial crisis. In part, this resulted from attempts primarily by the Soviet Union to use the budgetary route to prevent the Secretary-General from carrying out his interpretation of the mandates received from especially the Assembly which was an aspect of the Soviet position which stated that matters of peace and security should be vested in the Security Council and not in the Assembly.

Hammarskjold became deeply involved in the crisis, as his policies were under attack. In the case of U.N.E.F., the cost for the first fourteen months was some thirty million dollars and O.N.U.C. cost approximately ten million dollars per month.<sup>23</sup> It was not the passing of the budgets in the Assembly, which required a two-thirds majority vote, that caused the crisis, but the securing of funds and the apportioning of expenses among the Member States.





The seeds of the financial crisis of 1960-64 sprouted during the operation of U.N.E.F. Hammarskjold maintained that the peacekeeping force was "essentially a United Nations responsibility" and its financing had to be construed as falling under Article 17 of the Charter.<sup>24</sup>

Three types of challenges were raised to justify the refusal of members to pay the assessments. The major argument came from the Soviet Union which argued that it was the aggressor who should pay -- meaning Britain and France for U.N.E.F. and Belgium for O.N.U.C. Furthermore, the Soviets argued that peacekeeping was a matter for the Security Council and thus it should be the Council which dealt with financing and not apportionment under Article 17 of the Charter which meant the Assembly would make the financial decisions.<sup>25</sup>

The second and third challenges were related in that they both referred to the magnitude of the operations. Some Latin American countries urged that it was the Great Powers who should be assessed, in accordance with their responsibility for peace and security.<sup>26</sup> The third concern was raised by the smallest and poorest states, which did not object so much to the principle of collective responsibility as they did to the practicality and morality of their contributing any more in view of their poverty.<sup>27</sup>

By September 1964, the accumulated deficits had mounted to \$113.3 million, and Thant informed the Assembly that "the financial crisis has been one of my major preoccupations."<sup>28</sup> A principal outcome of what Thant called "a policy of drift, of improvisation, of ad hoc solutions, of reliance on the generosity of the few rather than collective



responsibility of all"<sup>29</sup> was a still deeper involvement of the Secretary-General in the financing process. Out of this came Thant's proposal for a \$200 million dollar bond issue for 25 years at two percent and for sale to national treasuries and national banks.<sup>30</sup> The Soviet Union sharply attacked the scheme as illegal. Notwithstanding, the plan was adopted by the Assembly on December 20, 1961 by a vote of 58 in favor, 13 against, and 24 abstentions.<sup>31</sup> Relatively successful, the bond issue raised approximately \$145 million, of which the United States purchased \$100 million.

In addition, the problem of financing the peacekeeping operations was not confined to the political and fiscal realms. On December 20, 1961 the Assembly requested the World Court to give an advisory opinion whether expenditures authorized by the Assembly (relating to U.N.E.F. and O.N.U.C.) constituted expenses of the Organization within the meaning of Article 17, paragraph 2 of the Charter.<sup>32</sup> On July 20, 1962, the opinion of the Court was announced: by a vote of 9 to 5, the Court stated that the expenditures constituted expenses of the Organization under Article 17 (2) of the Charter.<sup>33</sup> The importance of this ruling for this study was not in that the expenses were legitimately incurred, but that the Secretary-General, acting on his own initiative but under the general guidance of Security Council or General Assembly resolutions, had the right to incur expenses on behalf of the Organization. Although there are political limitations to an advisory opinion derived from a split decision the moral weight of this opinion is important, as it re-emphasizes the role that can be played by the Secretary-General in crisis situations. Acting under the general umbrella of the resolutions,





the Secretary-General can make rapid political decisions resulting in concrete actions without having to directly weigh the financial implications. Such flexibility was significant in the Congo operation and the Court reinforced the legitimacy of both Hammarskjold's and Thant's actions. However, it is most doubtful that decision-making without adequate prior financial arrangements will occur in the future.

Although cautious and low key in style, U Thant has continued the policy and practise of diplomatic initiatives. West New Guinea had been excluded when the Netherlands had transferred complete sovereignty over Indonesia to the Republic of Indonesia in 1949. Thus, West New Guinea remained the subject of a dispute until December 1961, when open hostilities broke out. At this stage, at the request of the Netherlands and Indonesia, but on his own initiative, Thant invited both parties to discuss with him the possibilities of a peaceful settlement and appointed Ambassador Bunder of the United States as mediator, representing the Secretary-General. This mediation was successful and culminated in an Agreement in August 1962.<sup>34</sup> The Agreement called for the temporary transfer of administration of the territory to a United Nations Temporary Executive Authority to be established by, and to be under the jurisdiction of, the Secretary-General (Article II) and to be assisted by a security force (Article VII). The Assembly endorsed this Agreement on September 21, 1962.<sup>35</sup>

An important feature of the Agreement was that Article XIII provided for the withdrawal of United Nations Security Forces upon transfer of administration to Indonesia, which was accomplished May 1, 1963. However, Indonesian sovereignty was not confirmed until 1969



by plebiscite. Legally, therefore, the territory was under the jurisdiction of the Secretary-General from 1962 until 1969. The experiment illustrates the usefulness of the office of the Secretary-General as well as Thant's positive personal initiative.

The Cuban missile crisis again exemplifies the difficulties in the Secretary-General's ability to act when the Super Powers are directly involved. U Thant cautiously awaited the wishes of the Member States before acting, as the possibility for an initiative was extremely remote. As there were no realistic alternative avenues, Thant acted on the basis of his good offices and mediatory functions. His initial suggestion, which aimed at putting negotiation machinery into motion, was a plea for time -- a forty-eight hour "cooling-off" period which would allow the Super Powers to recalculate their positions. The proposal was favorably accepted by both the United States and the Soviet Union. U Thant's primary usefulness was his ability to be a neutral channel of communication. O'Brien insists that the main value of the Secretary-General's initiative was to give the Soviet Union a way to save face: "It was apparent to the whole world that they [the Soviets] were submitting to American power; at that juncture, the U.N. gave Moscow a way to save face. The ships were diverted because the Secretary-General of the United Nations asked Khrushchev to consider the interest of world peace--not the threat of U.S. destroyers."<sup>36</sup> The extent of the United Nations and primarily the Secretary-General's contribution in this situation is difficult to assess; however, O'Brien's evaluation appears reasonable. The confrontation was solved by the





parties involved. Thant's assertion that the United Nations aided in avoiding a conflagration and provided a dialogue between the disputants must not be overemphasized.<sup>37</sup> The ability for action by the Secretary-General in matters involving the two Super Powers directly is, at best, very marginal.

The Kashmir dispute was one of the most difficult assignments for the Secretary-General. During August and September of 1965 India and Pakistan had renewed their fighting in Kashmir. Initially appealing unsuccessfully for cease-fires, Thant then interceded on his own initiative. The first Security Council resolution mandated the Secretary-General to call for a withdrawal and a cease-fire,<sup>38</sup> again with no response from the disputants. A second resolution was passed broadening the Secretary-General's scope for action and left no doubt that he was strongly supported by the Security Council. After a visit to both India and Pakistan, U Thant submitted an oral report to the Security Council on September 17, 1965, in which he made a bold suggestion with reference to the possibility of applying Chapter VII, which resulted in a further strong Security Council resolution.<sup>39</sup>

Whether the war ended because of external pressure or internal exhaustion, one nonetheless can say that the Secretary-General was influential in setting policy (by his oral report), carrying out negotiations (through visits to participant countries), and creating conditions which contributed to the settlement (by his assistance in drawing up the plan for troop withdrawal). While not detracting from U Thant's individual leadership, the crisis does point out the possibility for action when the Secretary-General has a strong mandate





from the Security Council. This mandate is very important both legally and politically if effective action on the part of the Secretary-General is to take place.

If the Secretary-General's observational assignment in Lebanon is considered experimental, the work in Yemen appears firmly based in experience and practice. Clear definitions of the Secretary-General's functions preceded the operations, as these definitions were negotiated by Thant with the parties involved. The actions taken were on Thant's own initiative, and only well after the missions were operative did the deliberative organs adopt resolutions reflecting the views of the Secretary-General.<sup>40</sup> Soon after the Royalists were overthrown in 1962 by the Republicans in Yemen, Thant began consulting with the representatives of Yemen and its neighbors about the effects of the civil war which had ensued. Thant soon offered the assistance of his office to the parties and sent Ralph Bunche to investigate. Bunche's report indicated the parties involved would accept disengagement,<sup>41</sup> but impartial observers were required to monitor the disengagement plan.

All of these negotiations were initiated and brought to final stages without authorization or discussion in the Council or Assembly. The credit for the plan of observers rests with Thant. However, action on the part of the Secretary-General was possible because no strong positions were taken by the Super Powers.

It is not with regard to the effect of observer missions on which the relative success of U Thant should be evaluated. Like Lie and Hammarskjold, Thant was faced with an extremely difficult crisis involving military personnel under United Nations auspices. Immediately



upon entering the office as Acting Secretary-General, Thant was saddled with the delicate responsibilities of the Congo. He began where Hammarskjold had left off, building on Hammarskjold's procedures and precedents.

In November 1961, the Council gave Thant a strengthened mandate to deal with Katanga<sup>42</sup> which he interpreted a month later as giving him the authority to apply force against secessionist Katanga. This action was supported by the United States, accepted by the Soviet Union, and criticized by Britain and France. Through this action and that of negotiation, the Secretary-General's efforts lead to a reunification of the country. In reporting back to the United Nations he suggested<sup>43</sup> that he had fulfilled the mandate that had been given by the Security Council by ending the threat to the territorial integrity and political independence of the Congo, preventing a civil war, removing foreign military and paramilitary personnel, and arranging for improvements<sup>44</sup> in maintaining law and order. Today the situation appears relatively stable.

Thant's use of O.N.U.C.'s military capacity in Katanga on two occasions constitute milestones in the United Nations involvement in the Congo. In December of 1961, the Secretary-General directed O.N.U.C. to restore order in Elizabethville and move against the Katangese and their mercenaries.<sup>45</sup> Thant refused to stop O.N.U.C.'s campaign short of a favourable outcome, even though he was receiving strong pressure from Britain and France to do so.<sup>46</sup> The military pressure on Katanga resulted in talks between Congolese Premier Adoula and Tshombe, which ended in an agreement.<sup>47</sup>





The second use of force in Katanga came in December of 1962 and followed Tshombe's failure to permit application of the agreement. Thant interpreted this situation as requiring new and strong efforts and developed a "Plan of National Conciliation."<sup>48</sup> It proposed a federal constitution; sharing of tax revenues between provincial and national governments; unification of currency, the armed forces, and foreign service; a general amnesty; and a revised pattern of representation for political groups in the central government. Although the plan was accepted by Tshombe, hostilities continued and ONUC force came increasingly under Katangese fire. Thant replied by using ONUC action "to restore the security of ONUC troops . . . and their freedom of movement."<sup>49</sup> As the Katangese military strength was defused, the Secretary-General reached the height of his influence in the Congo. It was built in considerable part on military action, which he had ordered as a means of carrying out his mandate. It produced direct effects on the Katangese government, whose forces were in fact defeated. The political outcome within Congolese borders was the reunification of the country and elimination of the threat of Katangese succession. The Secretary-General certainly was one of the main, if not the dominant, influences in this development.

Before continuing, it is important to again comment on the problem of the Secretary-General as head of a military operation. Connor Cruise O'Brien contends that almost inevitably the Secretary-General weakens his effectiveness by participating as the head of peace-keeping operations.<sup>50</sup> He is likely at some point to incur the wrath of the Great Powers, as in Korea and the Congo, and when this happens he must



either resign or become ineffective. This has unfortunate implications for the Organization and its effectiveness.

O'Brien's recommendation of a peace-keeping officer appointed by and responsible to the Assembly or Council has limited validity.<sup>51</sup> There is no question that a military commander could be sacrificed if the wrath of the Great Powers were incurred without necessitating the resignation of the head of the United Nations. In addition, the Secretary-General would be in a position to deal more effectively as a mediator in the dispute. However, given the role of the United Nations as a dynamic political institution, the existing military direction, although by no means perfect, is adequate. There would be no differences in the political pressures with a military commander reporting to the Council than with the Secretary-General acting as the commander and reporting to that body. The only real difference would be the extent of military expertise, and too often military operations have been left to the generals without regard to the political and social implications of their actions. Thus a civilian leadership has its share of advantages. It would appear that O'Brien's arguments are largely influenced by a personal bitterness regarding the role of the Secretary-General.<sup>52</sup>

Turning to another military operation, Cyprus this time, the extent to which, under paragraph 4, the Secretary-General was entrusted with the composition and the control of the operations was a striking feature of the Resolution (March 4, 1964) establishing the Cyprus Force. Certain misgivings should have been anticipated after the Congo operations, and, indeed, Czechoslovakia, France, and the USSR abstained on the separate vote on this paragraph. The representative of France





said:

The Security Council is thus divesting itself of responsibilities which are its own . . . . The French delegation considers that it is really going very far indeed in the direction of powers to grant them in this way to a single individual. 53

Nonetheless, the Secretary-General proceeded to the composition of the Force and the Force became operational by March 27.<sup>54</sup>

Apart from his actions in constituting the missions and reporting to the Council, the Secretary-General also demonstrated a certain degree of personal political initiative. This can be seen in his appeals to the parties in Cyprus, in particular his "program of action" outlined on April 29, 1964<sup>55</sup> and his conclusion of a Status Agreement with the host State.<sup>56</sup>

Considering the limitations of the institution he serves, and at times speaks for, U Thant, remarkably (as early as 1963)<sup>57</sup> has been able to throw his weight unequivocally against the United States position in Vietnam. Although not necessarily the most significant aspects of his speech (Thant has made similar comments on numerous occasions), he stated in Edmonton at a University of Alberta Convocation in May of 1968:

"As part of such a settlement of the overall problem of Vietnam, I believe that it would be useful to envisage a neutralization of the entire area that was known as French Indo-China . . . . It would also be a source of stability in the area if the neutrality of the region could be guaranteed by all the big powers."<sup>58</sup>

It appears, however, that he has found the possibility of his mediation to be impossible in the present circumstances and has had recourse to public intercession, both in the hope of speeding mediation





and of reinforcing the moral authority of the Secretary-General. Regardless of O'Brien's motives, one can agree with his analysis that "from the point of view of the historian . . . U Thant has done more to strengthen, in the long term, the moral authority of the United Nations than either of his more spectacular predecessors were able to do."<sup>59</sup>

Two incidents involving the question of membership in the U.N. are worthy of mentioning in that Thant, and to some extent Hammarskjold, were accessories to what amounts to actions counter to the Charter. Neither the Charter, nor the Covenant before it, makes any provision for the effects on membership should a Member State physically disappear. The creation of the United Arab Republic in 1958 can be considered in two different ways: either it was the disappearance of two states and the creation of one new state or it was the absorption of one member state (Syria) by another (Egypt) under a new name (United Arab Republic). The United Nations appeared to have adopted the latter viewpoint, as there was never any suggestion that the United Arab Republic apply for admission, which would have been necessary if it were a new state.

The United Arab Republic lasted for only three years, and in 1962 Syria informed the Assembly that since it was an original signatory to the Charter, it was again resuming its membership as an independent state.<sup>60</sup> The regaining of its former membership status was considered by Syria and subsequently accepted by the President of the Assembly as a mere formality. No objections were raised by any Member State or by the Secretary-General, and Syria resumed its place in the United Nations while the United Arab Republic, now reduced to the former



Egypt, also remained a member.

A second incident involves the Indonesian revocation of its membership in the United Nations. On receiving notice of the withdrawal, Thant replied with a highly ambiguous letter which left room for a variety of future interpretations on the withdrawal.<sup>61</sup> Subsequently, and conveniently, Thant claimed that Indonesia had never left the United Nations and thus could resume its seat without re-applying for membership. Indonesia's re-entry was not in fact a re-entry at all because the United Nations never officially recognized the withdrawal. Like the Syrian example before it, the Indonesian re-entry was merely a resumption of full participation in the activities of the United Nations.

In actual fact, both Syria and Indonesia revoked their membership in the United Nations. To argue that governments are not always responsible for their actions and thus membership can be dormant for a time is difficult to accept in a legal sense, especially when one reviews the issue of the representation of China. The Secretary-General although he is the servant of the Charter, took a position of political reality. Schwelb draws the conclusion that the Secretary-General in his statement regarding Indonesian membership was interpreting the will of the majority.<sup>62</sup>

The United Nations is a dynamic instrument and has changed significantly since its inception in 1945. The realities of the Organization include a drive toward universality and therefore even though Schwelb's interpretation may not be legally correct, it is the will of the members which strongly influences the actions of the





Secretary-General. Thus L. C. Green is confined to a legal interpretation and ignores the practical political developments of the United Nations when he concludes that

it is to be regretted that the same considerations (as illustrated by Syrian membership) of political and administrative ease resulted in a decision that the resignation of Indonesia was not really a withdrawal on the part of a government which later recovered an awareness of the advantages and burdens of membership and was prepared to resume them. The Secretary-General helped to bend rather than defend the Charter.<sup>63</sup>

The Annual Report of the Secretary-General has become an effective medium for making known his views and suggesting new initiatives or possible solutions. The most interesting use of this instrument has been made by U Thant in his latest reports which outline a distinction between micro and macro states and the possibility of giving the micro-state an associated state status in the United Nations. Commenting in the 1967 Annual Report he stated; "It appears desirable that a distinction be made between the right to independence and the question of membership in the United Nations."<sup>64</sup> The only action on this item was reported in the U.N. Monthly Chronicle in 1969<sup>65</sup> which announced that as a result of the Secretary-General's calling attention to the matter, the Security Council on August 29, 1969 set up a committee of experts to consider the relationship of the micro-states to the United Nations. This committee has not yet reported. This associate status initiative is important since a Secretary-General, in bringing forth the proposal, both cuts at the heart of the smaller powers' independent equal status and at a fundamental principle of the Charter -- universality.



It is doubtful any man other than one coming from a similar small non-aligned power national background could have introduced the subject.

As have the Secretaries-General before him, U Thant makes the Annual Report a vehicle for drawing attention to world problems or promoting solutions. The one thing that is significant about the last three Annual Reports in particular is their increasingly depressing and sombre tone. This is particularly true of the remarks made in the 1968 Report; when commenting on the large powers U Thant concludes:

It is certainly a frightening commentary on the ominous state of world affairs that one super-state or the other can become exercised to the point of resorting to military action because of liberalization of a regime in a small country like Czechoslovakia or because of an internal upheaval in another small state, such as the Dominican Republic.<sup>66</sup>

Before concluding this Chapter on U Thant, it is necessary to review the question of the withdrawal of UNEF from the United Arab Republic in 1967 since this action resulted in some of the severest criticism, primarily in the West and Israel, directed at the Secretary-General. Throughout the history of the establishment and operation of UNEF, the principle that the Force could only be used on the territory of a Member State with its consent has governed the relations between UNEF and Egypt. It was this principle which caused the United Nations to send the Force to Egypt alone, for Israel objected to the presence of any international force within its borders.

The General Assembly Resolutions, which established the Force, Resolutions 998 (ES-I) and 1001 (ES-I), approved the principle after the Secretary-General was asked to submit a plan for the setting up of an emergency international force "with the consent of the nations





concerned"<sup>67</sup> and after the Assembly approved the principles outlined in the Secretary-General's Second and Final Report.<sup>68</sup> In that report, the Secretary-General was at pains to point out that the Assembly could not request the Force "to be stationed or operate on a territory of a given country without the consent of the government of that country."<sup>69</sup>

The consent of Egypt was secured in the early stages of the proceedings. Discussions were held between Egyptian officials (primarily the President and Foreign Minister) and the Secretary-General and resulted in an agreement which was summarized by the Secretary-General in a report to the Assembly on November 20, 1956.<sup>70</sup> The Aide-memoire, annexed to the Report, commences by reiterating the principle of consent.

The decision to withdraw UNEF has been characterized in terms such as "hasty", and "precipitate".<sup>71</sup> As already mentioned, the Government of Egypt did not give its permission for the stationing of UNEF on its soil until it was assumed that its sovereignty would be respected.

Although the request for the withdrawal of UNEF came as a surprise, there was nothing new raised about the sovereignty principle nor about the procedure to be followed by the Secretary-General. The decision taken by Thant on May 18, 1967 to comply with the request for the withdrawal of the Force was reasonable and sound.

Much of the criticism of Thant's action centers on the interpretation as to whether any commitments were made by Egypt which would limit its pre-existing right to withdraw its consent. The basis for asserting such limitation is the "good faith" Aide-Memoire annexed to Hammarskjold's Report to the Assembly on November 20, 1956<sup>72</sup> or rather an interpretive account of the negotiations between the Secretary-General





and Nasser made by Hammarskjold in a personal and private paper dated August 5, 1957, some eight and a half months after the discussions.<sup>73</sup>

Hammarskjold asserted in this paper that Egypt had agreed that the Force could not be withdrawn before it had completed its task. However, the paper is only a private document with no official standing and therefore cannot affect in any way the basis for the presence of UNEF as set out in the official documents.

A partial explanation of the misunderstanding about the withdrawal of UNEF by Thant is an evident failure to appreciate the fragile nature of the basis of UNEF's operation. UNEF, in functioning, depended completely on the voluntary cooperation of the host government. Thus, legally and realistically, U Thant acted within the framework of the agreement.

In conclusion, Thant has effected some accomplishments during the ten years as Secretary-General. At least partially his efforts in directing ONUC did result in bringing the Congo under one administration which had the authority and power to rule the country. Similarly, Thant's assistance was effective in resolving the dispute between the Netherlands and Indonesia over West New Guinea. In addition the \$200 million bond issue was useful as a temporary solution to the United Nations financial crisis. The development of this plan is a credit to Thant's ingenuity. Generally speaking, Thant has worked in quiet ways, utilizing his good office in an attempt to settle disputes.

However, one cannot help but reflect on the developments of the role of the Secretary-General in the past decade. Most of the limited successes which can be attributed to Thant were accomplished in the



early part of the 1960's, and thus, Thant began his work quite effectively. In the last five years the role played by the Secretary-General has been limited. Much of this development has been the direct result of the de-emphasis of the United Nations in resolving international crisis situations, as exemplified by the Vietnam War and the Nigeria Civil War, neither of which has been dealt with to any extent by the United Nations. International relations have reverted back to a greater emphasis on bilateral negotiations or at least negotiations outside the United Nations framework (SALT Discussions, Paris Peace Talks).

The factor of non-Chinese representation in the United Nations has a profound effect on the role of the Organization, as a large proportion of the World's population is not represented. This absence has gained increased importance now that the Peoples Republic of China can be rightly classified as a Great Power.

Nevertheless, one cannot attribute the limited participation of the Secretary-General in crisis situations (in the past five years) totally to the de-emphasis of the political role of the United Nations. U Thant has not had a major impact on the political role of the Secretary-General which in part is a result of his lack of initiative and aggressiveness -- limitations within his personality.

Thant has not pioneered new avenues for political involvement of the Secretary-General and thus has had little or no effect in expanding the political role of the Secretary-General. The potential for an active political role by the Secretary-General has not diminished in the past ten years, as the precedents set by Lie and Hammarskjold are still operative. The state of international politics does impose





restraints and its environment may be more complex and difficult than ever before; however, the world has not so drastically changed to render political initiatives by the Secretary-General to the realm of a fact of history.



## CHAPTER VI

### CONCLUSION

In determining whether there has been an evolution in the political role of the Secretary-General in International Organizations, three different but closely related factors have been considered: the historical development of the constitutional framework; the environment, or rather political climate, of international politics, and the incumbents of the office -- their personality, philosophy, and action.

Early experience in the service unions, as well as in the conference diplomacy machinery, established a limited basis from which the drafters of the League Covenant could draw. Some areas of concern regarding the office of Secretary-General, including the extent of its political role, can be traced in the early drafts of the Covenant (Smuts and Hurst-Miller drafts); however, none of these concerns were reflected in the final document which restricted the officer to administrative responsibilities. A significant aspect of the drafting process was the attitudes of the various individuals, which revealed a favorable disposition toward a political role for the Secretary-General.

The League and its Covenant were the first experiment in a political International Organization with strengths and weaknesses, and thus provided an excellent model for the framers of the United Nations. In both instances of the drafting of the Covenant and of the Charter, a definition of the role of the Secretary-General was, as expected, a



peripheral issue, with the major difference that at San Francisco the delegates took for granted that the Secretary-General would play a political role. This approach is reflected in the broad political powers of Articles 98 and especially 99 of the Charter. Therefore, from a constitutional point of view there has been a definite evolution in the role of the Secretary-General from a narrow administrative office to a permissive and flexible political position.

A second factor of considerable importance, and most likely the most important, is the relationships of Nation states which define the international political climate. There has been no appreciable change as to the sovereignty of nation states with the advent of international organization; as was the case before the League and the United Nations, although all nations are sovereign, some are more sovereign than others with the difference based on the extent of power. To date, during the life of the United Nations, two states have primary effect on the course of events, and therefore, almost every action of the United Nations involves the Super Powers. The result of this situation is a state of affairs wherein it is virtually impossible for constructive United Nations involvement and action in a situation when the direct interests of the United States or the Soviet Union are threatened. The effectiveness of United Nations' participation in its first twenty years to some extent mirrored the relationship between the Super Powers -- when the Cold War thawed, the role of the United Nations increased in importance. Correspondingly, the effectiveness of the Secretary-General is also directly influenced by the relationship





between the Super Powers. In the past five or six years there has been a de-emphasis on the part of the Soviet Union and the United States on the importance of the role of the United Nations. This is in part due to the present issues in international relations (especially the Vietnam War and disarmament), the present incumbent Secretary-General, and the exclusion of China from membership in the Organization. There is no doubt that Chinese membership in the United Nations would greatly restore its position of importance in international affairs.

A third consideration is the effect of the incumbents on the office of Secretary-General. Most definitely all the incumbents of such an office had an influence in developing, or more precisely altering, the role. However, the Secretaries-General of the United Nations had the most profound effect, which was expected, given that the Charter provided considerable potential for political activity and initiatives. Drummond, and to a lesser extent Avenol, primarily developed the administrative functions of the Secretary-General; however, on occasion they were involved in marginal political activities and thus set some precedents for political involvement.

With the advent of the United Nations an individual was chosen to become Secretary-General who had a definite political background. Trygve Lie set the political tone of the office and set many precedents which enhanced and strengthened the political role. Unfortunately, Lie did not master the position because he could not carefully weigh the implications of his actions in perspective with the political realities of the international climate of his time. An appropriate assessment



of Lie's activities as Secretary-General is that he was too political and consequently could not accurately determine the limits within which he could effectively operate. Notwithstanding this inability to recognize the practical limitations, Lie did much to develop the political role of the Secretary-General.

Hammaraskjold built upon the precedents set by Lie and, as a result, expanded the role considerably. One of Hammaraskjold's strengths was his ability to justify his political activities and initiatives in terms of the Charter -- by expanding the interpretation of Charter provisions, primarily Article 99. This attempt to rationalize in constitutional provisions the political actions had one serious weakness which was that Member States were not always willing to accept Hammaraskjold's interpretations. However, it would be accurate to state that this problem did not result in any serious challenges to the Secretary-General's authority until the Congo crisis. Although it was evident that Hammaraskjold had gained from Lie's experiences, he made a similar error in judgment by going beyond the limits of what was acceptable to a Super Power regardless of the legitimacy of the interpretation of his actions. There is no question that Hammaraskjold had a profound effect on the office of Secretary-General and definitely strengthened and expanded its political role.

The present incumbent showed in the early years of his appointment that he was willing to follow the lead set by Lie and Hammaraskjold. Notwithstanding the start, the past few years have been a definite disappointment and have lacked the aggressiveness and energy required





to effectively utilize the scope for political action inherent in the office. Since there has been little use of the political potential, there has been no expansion. In the past five years U Thant has been a rather passive Secretary-General and it remains to be seen whether he has weakened the political effectiveness of the role.

When considering the future it is important to keep in perspective the everchanging and dynamic state of international relations. As has been mentioned, for the present there is a de-emphasis on the usefulness of the United Nations and thus there is a similar effect on the role of the Secretary-General. However, this state of affairs can be altered rapidly and a revitalized United Nations may be again called upon. There will be a change in emphasis the moment China takes a seat in the Organization.

There has been a definite evolution in the political role of the Secretary-General. The potential for political initiatives exists and its use is expected by most Member States of the Organization. This potential for action is firmly entrenched in the constitutional framework of the United Nations as well as in the precedents set by the various incumbents of the office. However, the most significant factor affecting the part to be played by the Secretary-General is the state of the international political environment, with primary emphasis on the attitudes of the two Super Powers and, perhaps shortly, the three Super Powers.



## FOOTNOTES

### Chapter I

<sup>1</sup>A detailed discussion of international union can be found in P. S. Reinsch, Public International Unions, Their Work and Organization, (Boston: Ginn, 1911).

<sup>2</sup>For the text of the Universal Postal Convention see A. J. Peaslee (ed), International Governmental Organizations: Constitutional Documents, Vol. II, (The Hague: M. Nijhoff, 1961), pp. 1821-1853.

<sup>3</sup>Georges Langrod, The International Civil Service, (New York: Oceana Publications, Inc., 1963), pp. 36-37.

<sup>4</sup>Ibid., p. 47.

<sup>5</sup>J. B. Scott, The International Conferences of American States, 1889-1928, (New York: Oxford, 1931).

<sup>6</sup>For the text of the Phillimore Plan, March 20, 1918 see D. H. Miller, The Drafting of the Covenant, Vol. II, (London: G. P. Putnam's Sons, 1928), pp. 3-6.

<sup>7</sup>Ibid., p. 8.

<sup>8</sup>Ibid., pp. 12-15.

<sup>9</sup>Ibid., p. 43.

<sup>10</sup>Ibid., pp. 117-130.

<sup>11</sup>Egon F. Ranshofen-Wertheimer, The International Secretariat, (Washington: Carnegie Endowment for International Peace, 1945), p. 16.

<sup>12</sup>Miller, loc. cit., p. 108.

<sup>13</sup>Ibid., p. 109.



<sup>14</sup>Ibid., p. 121.

<sup>15</sup>Ibid., p. 143.

<sup>16</sup>Ibid., p. 214.

<sup>17</sup>F. P. Walters, A History of the League of Nations, Vol. I, (London: Oxford University Press, 1952), p. 47.

<sup>18</sup>B. V. Dexter, The Years of Opportunity; The League of Nations 1920-1926, (New York: Viking Press, 1967), p. 50.

<sup>19</sup>Ranshofen-Wertheimer, loc. cit., p. 16.

<sup>20</sup>Leon Gordenker, The Secretary-General and the Maintenance of Peace, (New York: Columbia University Press, 1967), p. 10.

<sup>21</sup>Ibid., p. 10.

<sup>22</sup>S. Schwebel, The Secretary-General of the United Nations: His Political Powers and Practise, (Cambridge: Harvard University Press, 1952), p. 9.

<sup>23</sup>The duties were summarized from the Covenant of the League of Nations as found in Alfred Zimmermann, The League of Nations and the Rule of Law, (London: Macmillan, 1936), pp. 497-511.

<sup>24</sup>Schwebel, loc. cit., p. 3.

<sup>25</sup>Walters, loc. cit., p. 559.

<sup>26</sup>Schwebel, loc. cit., p. 6.

<sup>27</sup>Walters, loc. cit., p. 97.

<sup>28</sup>Schwebel, loc. cit., p. 6.

<sup>29</sup>Ibid., p. 7.

<sup>30</sup>C. H. Alexandrowicz, "The Secretary-General of the United Nations," in R. A. Falk (ed.), The United Nations, The Strategy of World Order, Vol III, (New York: World Law Fund, 1966), p. 305.





<sup>31</sup>E. Drummond, "The Secretariat of the League of Nations," Public Administration, Vol. IX, 1931.

<sup>32</sup>Official League Document quoted in W. E. Rappard, Uniting Europe, (New Haven: Yale Press, 1930), pp. 214-215.

<sup>33</sup>"Organization of the Secretariat and of the ILO," adopted at the Second Assembly of the League, as quoted in Ranshofen-Wertheimer, loc. cit., p. 391.

<sup>34</sup>League of Nations Official Journal 1930, "Report of the Fourth Committee to the Assembly", A/86/1930X, Special Supplement Numbers 84-87.

<sup>35</sup>League of Nations Official Journal, "Report of the Committee of Thirteen," Eleventh Assembly, Fourth Committee, Annex 8.

<sup>36</sup>Ibid.

<sup>37</sup>Walters, loc. cit., pp. 420-421.

<sup>38</sup>Ranshofen-Wertheimer, loc. cit., p. 155.

<sup>39</sup>Schwebel, loc. cit., p. 8.

<sup>40</sup>James Barros, Betrayal from Within; Joseph Avenol Secretary-General of the League of Nations 1933-1940, (New Haven: Yale University Press, 1969), p. 260.

<sup>41</sup>Schwebel, loc. cit., p. 216.

<sup>42</sup>Ranshofen-Wertheimer, loc. cit., p. 381.

<sup>43</sup>Walters, loc. cit., p. 35 and p. 142.

<sup>44</sup>Public Administration Review, 1943 Edition, p. 94.

<sup>45</sup>League of Nations Official Document C. 424, M. 305, 1921, X and A. 140 (a) 1921, Second Assembly, Fourth Committee, Annex 2.



<sup>46</sup>Ibid., p. 83.

<sup>47</sup>Schwebel, loc. cit., p. 3.

<sup>48</sup>Ibid., p. 13.

<sup>49</sup>Ranshofen-Wertheimer, loc. cit., p. 48.

## Chapter II

<sup>1</sup>The United States State Department, Post-War Foreign Policy Preparation, 1939-1945, Publication 3580 (February 1950), p. 605.

<sup>2</sup>Ruth B. Russell, A History of the United Nations Charter, (Washington: The Brookings Institution, 1958), pp. 370-377.

<sup>3</sup>The United States State Department, loc. cit., p. 605.

<sup>4</sup>Schwebel, loc. cit., p. 18.

<sup>5</sup>Russell, loc. cit., Chapters 18-19.

<sup>6</sup>U.N.C.I.O., Volume 3, Dumbarton Oaks (London: 1945), p. 21.

<sup>7</sup>U.N.C.I.O., Volume 7, Commission I, Draft Report of the Rapporteur of Committee I/2 on Chapter X, (London: 1945), pp. 344-347.

<sup>8</sup>Gordenker, loc. cit., p. 26.

<sup>9</sup>U.N.C.I.O., Volume 6, Commission I, p. 173.

<sup>10</sup>U.N.C.I.O., Volume 7, Commission I, p. 168.

<sup>11</sup>Ibid., p. 162.

<sup>12</sup>Ibid., p. 368.

<sup>13</sup>Langrod, loc. cit., p. 164.

<sup>14</sup>U.N.C.I.O., Volume 6, Commission I, pp. 108-136.





<sup>15</sup>General Assembly Official Records (hereinafter cited as G.A.O.R.), First Session, 21st Meeting, pp. 442-448.

<sup>16</sup>H. Kelsen, The Law of the United Nations, (London: Stevens and Sons, 1950), pp. 136-137.

<sup>17</sup>U.N.C.I.O., Volume 7, Commission I, pp. 355-370.

<sup>18</sup>Leland Goodrich, The United Nations, (London: Steven and Sons, Ltd., 1969), p. 673.

<sup>19</sup>Russell, loc. cit., pp. 854-860.

<sup>20</sup>G.A.O.R., Resolution 1771 (17), November 30, 1962.

<sup>21</sup>G.A.O.R., Fifth Session, Plenary Meetings Number 296 and 298, October 31, 1950 and November 1st, 1950.

<sup>22</sup>Trygve Lie, In The Cause of Peace, (New York: Macmillan, 1954), pp. 406-413.

<sup>23</sup>G.A.O.R., Resolution 1237 (ES-111), August 12, 1958.

<sup>24</sup>United Nations Official Document, Number S/4381, July 13, 1960.

<sup>25</sup>Security Council Official Records (hereinafter cited as S.C.O.R.), Fifth Year, 473 Meeting, p. 3.

<sup>26</sup>G.A.O.R., Seventh Session, 413 Plenary Meeting, March 10, 1953.

<sup>27</sup>Ibid.

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### Chapter III

<sup>1</sup>Report of the United Nations Preparatory Commission, December 23, 1945, (London: H. M. Stationary Office, 1948).



<sup>2</sup>Gordenker, loc. cit., p. 37.

<sup>3</sup>G.A.O.R., First Session, Twentieth Meeting, p. 303.

<sup>4</sup>G.A.O.R., First Session, 22nd Plenary Meeting, February 2, 1946.

<sup>5</sup>Lie, loc. cit., p. 44.

<sup>6</sup>Langrod, loc. cit., p. 87.

<sup>7</sup>U.N.C.I.O., Volume 7, Commission I, Committee 2, p. 177.

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<sup>9</sup>G.A.O.R., First Session, December Supplement, December 14, 1945.

<sup>10</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1948-1949, p. ix.

<sup>11</sup>Schwebel, loc. cit., p. 67.

<sup>12</sup>G.A.O.R., Second Session, 93rd Meeting, p. 328.

<sup>13</sup>S.C.O.R., First Year, June 6, 1946.

<sup>14</sup>S.C.O.R., First Year, April 16, 1946, Document S/39.

<sup>15</sup>Ibid., Document S/PV/33.

<sup>16</sup>Schwebel, loc. cit., p. 94.

<sup>17</sup>S.C.O.R., First Year, 70th Meeting, September 20, 1946.

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<sup>19</sup>Andrew W. Cordier and Wilder Foote (ed.), Public Papers of the Secretaries-General of the United Nations, Volume I, Trygve Lie 1946-1953, (New York: Columbia University Press, 1969), p. 8.



- <sup>20</sup>S.C.O.R., Second Year, 91st Meeting, January 10, 1947.
- <sup>21</sup>Schwebel, loc. cit., p. 140 and Lie, loc. cit., p. 164.
- <sup>22</sup>S.C.O.R., Second Year, 91st Meeting, p. 47 and S.C.O.R., Second Year, 263rd Meeting, pp. 34-44.
- <sup>23</sup>G.A.O.R., Document, Number A/900.
- <sup>24</sup>G.A.O.R., Special Second Session, 135 Meeting, pp. 44-45.
- <sup>25</sup>G.A.O.R., Second Session, 331 Meeting, July 7, 1948, pp. 32-33.
- <sup>26</sup>Schwebel, loc. cit., p. 166.
- <sup>27</sup>S.C.O.R., Fifth Year, 473 Meeting, Document S/PV/473, p.3.
- <sup>28</sup>Lie, loc. cit., pp. 323-366.
- <sup>29</sup>S.C.O.R., Fifth Year, 474 Meeting, p. 16.
- <sup>30</sup>G.A.O.R., Fifth Session, 308 Plenary Meeting, November 17, 1950.
- <sup>31</sup>Ibid.
- <sup>32</sup>G.A.O.R., Sixth Session, Supplement 15, Document A/1902.
- <sup>33</sup>S.C.O.R., Fifth Year, Supplement for January-May, 1950, Document S/1466.
- <sup>34</sup>United Nations Press Release, July 14, 1950, p. 2.
- <sup>35</sup>The New York Times, March 9, 1950, 16:3.
- <sup>36</sup>Lie, loc. cit., p. 261.
- <sup>37</sup>Ibid., pp. 75-76.
- <sup>38</sup>G.A.O.R., Fifth Session, pp. 250-292 and United Nations Document A/1448.





<sup>39</sup>S.C.O.R., Fifth Year, October 25 and 26, 1950.

<sup>40</sup>G.A.O.R., Fifth Session, pp. 250-292.

<sup>41</sup>United States vs. Coplon Gubitchev et al., 84F, Supplement 472, 474, S.D.N.Y., 1949.

<sup>42</sup>United Nations Press Release, SG/11, July 12, 1949.

<sup>43</sup>G.A.O.R., First Session, February 13, 1946.

<sup>44</sup>The Headquarters Agreement between the United Nations and the United States was signed on June 26, 1947.

<sup>45</sup>M. Waters, The United Nations: International Organization and Administration, (New York: Macmillan, 1967), p. 545.

<sup>46</sup>G.A.O.R., Seventh Session, 413 Plenary Meeting, March 10, 1953.

<sup>47</sup>This statement is by H. Wood quoted in The Nation, September 20, 1952.

<sup>48</sup>International Organization, Volume 2, 1953 Edition, p. 248.

<sup>49</sup>G.A.O.R., Seventh Session, 413 Plenary Meeting, March 10, 1953.

<sup>50</sup>United Nations Official Records, Judgments of the United Nations Administrative Tribunal, August 21, 1953, Numbers 28-38, Cases 36-45.

<sup>51</sup>International Court of Justice, Effects of Awards of Compensation Made By the United Nations Administrative Tribunal, 1954, p. 53.

<sup>52</sup>G.A.O.R., Seventh Session, 413 Plenary Meeting, March 10, 1953.

<sup>53</sup>Lie, loc. cit., pp. 386-405.

<sup>54</sup>Leland Goodrich, The United Nations, (London: Stevens and Sons Ltd., 1969), p. 140.



<sup>55</sup>R. I. Miller, Dag Hammarskjold and Crisis Diplomacy, (New York: Pyramid Books, 1962), p. 12.

<sup>56</sup>The New York Times, November 11, 1952.

<sup>57</sup>Lie, loc. cit., p. 42.

#### Chapter IV

<sup>1</sup>Lie, loc. cit., p. 417

<sup>2</sup>G.A.O.R., Third Session, Supplement 1, Document A/565.

<sup>3</sup>G.A.O.R., Eleventh Session, Supplement 1A, Document A/3137/ Add. 1.

<sup>4</sup>S.C.O.R., Eleventh Year, 751 Meeting, pp. 1-2.

<sup>5</sup>G.A.O.R., Fifth Session, Supplement 1, Document A/1287 and G.A.O.R., Fifteenth Session, Supplement 1, Document A/4390.

<sup>6</sup>H. Winchmore, "The Secretariat: Retrospect and Prospect" in F. B. Walters (ed.), loc. cit., pp. 146-160.

<sup>7</sup>Sidney Bailey, The Secretariat of the United Nations, (New York: Frederick Praeger, 1962), p. 57.

<sup>8</sup>A. Cordier and W. Foote, loc. cit., p. 11

<sup>9</sup>H. P. Van Dusen, Dag Hammarskjold: A Biographical Interpretation of Markings, (London: Faber and Faber, 1967). Van Dusen discusses Hammarskjold as the inner man, the man with superhuman qualities.

<sup>10</sup>G.A.O.R., Ninth Session, Plenary Meetings, pp. 329-443.

<sup>11</sup>S.C.O.R., Eleventh Year, Supplement for April, May and June, pp. 1-2.

<sup>12</sup>G.A.O.R., Eleventh Year, First Emergency Special Session, Supplement 1, Document A/3354, p. 2.





<sup>13</sup> Joseph Lash, Dag Hammarskjold, (New York: Doubleday, 1961,) p. 88.

<sup>14</sup> G.A.O.R., First Emergency Special Session, Resolutions 997 (ES-1), 999 (ES-1), and 1123 (xi), as well as Hammarskjold's Reports, Documents A/3289 and A/3302.

<sup>15</sup> United Nations Official Document A/PV 690, September 26, 1957.

<sup>16</sup> Lie, loc. cit., pp. 323-366.

<sup>17</sup> S.C.O.R., Eleventh Year, Meeting 751, October 31, 1956, pp. 1-2.

<sup>18</sup> S.C.O.R., Document S/PV/742.

<sup>19</sup> S.C.O.R., Eleventh Year, Meeting 751, October 31, 1956.

<sup>20</sup> United Nations, Official Documents, A/3289 and A/3302.

<sup>21</sup> Report of the Secretary-General on Basic Points for the Presence and Functioning in Egypt of the United Nations Emergency Force, November 20, 1956; A/3375; Annex: Aide-memoire on the Basis for the Presence and Functioning of UNEF in Egypt; Report of the Secretary-General on Arrangements concerning the status of UNEF in Egypt, February 8, 1957; A/3526; Annex: the legal arrangements made by the participating governments were also entered into by means of an exchange of letters between the Secretary-General (June 21, 1957) and these governments, A/3943, Annex 1.

<sup>22</sup> United Nations Document, Resolution 1001/ES-1.

<sup>23</sup> United Nations Document, ST/S6B/UNEF 1.

<sup>24</sup> United Nations, Documents, S/3730 and S/3733 and S.C.O.R., Eleventh Year, 753 and 754 Meetings.

<sup>25</sup> United Nations Document S/4023.

<sup>26</sup> United Nations Document A/3943.

<sup>27</sup> G.A.O.R., Twelfth Session, 690 Meeting.



- <sup>28</sup>Georg Schwarzenberger, A Manual of International Law, (New York: Frederick A. Praeger, 1967), pp. 187-190.
- <sup>29</sup>G.A.O.R., 14th Session, Supplement 1A, p. 2.
- <sup>30</sup>Ibid., p. 7.
- <sup>31</sup>G.A.O.R., Twelfth Plenary Session, pp. 174-175.
- <sup>32</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1960.
- <sup>33</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1959, p. 3.
- <sup>34</sup>S.C.O.R., Documents, S/4387, S/4405 and S/4424, as well as G.A.O.R., Document A/RES/1474/Rev. 1 (ES-IV).
- <sup>35</sup>S.C.O.R., Document, S/4387.
- <sup>36</sup>S.C.O.R., Fifteenth Year, 960 Meeting, December 9, 1960, para. 90.
- <sup>37</sup>S.C.O.R., Fifteenth Year, 873 Meeting, para 28 and later 885 meeting, para 65. In addition these principles had been set out in the Summary of Experience, G.A.O.R., Thirteenth Session, October 9, 1958, Agenda item 65(c) A/3943.
- <sup>38</sup>S.C.O.R., Fifteenth Year, 887 Meeting, p. 2.
- <sup>39</sup>Ibid., 873 Meeting, para 28 and later 885 Meeting, para 65.
- <sup>40</sup>S.C.O.R., First Report of the Secretary-General, Document S/4389, pp. 3-6 and pp. 196-208.
- <sup>41</sup>S.C.O.R., Fifteenth Year, 887 Meeting.
- <sup>42</sup>G.A.O.R., Fifteenth Session, 871 Plenary Meeting, p. 96.
- <sup>43</sup>U.N., Document, S/4606, p. 2.



<sup>44</sup>U.N., Document, S/4579.

<sup>45</sup>S.C.O.R., Sixteenth Year, 942 Meeting, pp. 40-41.

<sup>46</sup>Dag Hammarskjold, The International Civil Servant in Law and Fact, (Oxford: The Clarendon Press, 1961). Further discussions can be found in two articles, one by Schachter "Dag Hammarskjold and the Relation of Law to Politics" and one by Stein "Mr. Hammarskjold, The Charter Law and the Future Role of the U.N. Secretary-General," in the 1962 edition of the American Journal of International Law, p. 56 and 33.

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<sup>48</sup>United Nations, Press Release, Co/150, May 25, 1961.

<sup>49</sup>S.C.O.R., Fifteenth Year, 901 Meeting.

<sup>50</sup>G.A.O.R., Fifteenth Session, 869 Meeting, para 276.

<sup>51</sup>Ibid., Meeting 882.

<sup>52</sup>Ibid., Meeting 904, para. 84.

<sup>53</sup>United Nations, Document, S/4704.

<sup>54</sup>United Nations Review, Number VII, 1960, pp. 39-40.

<sup>55</sup>Hammarskjold, loc. cit., p. 24.

<sup>56</sup>Ibid., p. 27.

<sup>57</sup>United Nations, Press Release, SG/336.

<sup>58</sup>Ibid.

<sup>59</sup>United Nations, Press Release, S6/378.

<sup>60</sup>A. Ross, The U.N.: Peace and Progress, (Ottawa: Badminster Press, 1966), p. 178.





<sup>61</sup>G.A.O.R., Fifteenth Session, Meeting 904.

<sup>62</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1956.

<sup>63</sup>Lash, loc. cit., p. 567.

<sup>64</sup>Barbara Ward "The U.N. and the Decade of Development," The Quest for Peace, A. W. Cordier and W. Foote (ed.), (New York; Columbia University Press, 1965), p. 201.

<sup>65</sup>Hans J. Morgenthau, "The U.N. of Dag Hammarskjold is Dead," The New York Times, March 14, 1965, p. 32.

## Chapter V

<sup>1</sup>Ross, loc. cit., p. 182.

<sup>2</sup>G.A.O.R., Fifteenth Session, 869 Meeting, para 285.

<sup>3</sup>The United Nations Charter, Articles 108-109.

<sup>4</sup>Bailey, loc. cit., p. 57.

<sup>5</sup>G.A.O.R., Fifteenth Session, Fourth Emergency Special Session, September 15, 1960.

<sup>6</sup>Lawrence Malkin, "The Battle for the Independence of the United Nations Secretariat," Reporter, XXVII, September 27, 1962, pp. 30-32.

<sup>7</sup>Gordenker, loc. cit., pp. 54-59.

<sup>8</sup>Saturday Evening Post, September 21, 1963.

<sup>9</sup>Langrod, loc. cit., p. 284.

<sup>10</sup>Joseph Kraft, "Letdown at the U.N.," Harpers, January 1965, p. 88.

<sup>11</sup>United Nations Monthly Chronicle, March 1965, pp. 21-22.



<sup>12</sup>U Thant "Harmonizing Function of the U.N.," United Nations Monthly Chronicle, June 1965, p. 103.

<sup>13</sup>Ibid., p. 104.

<sup>14</sup>U.N. Monthly Chronicle, December 1965, p. 122.

<sup>15</sup>Saturday Review, XL VIII, July 24, 1965, p. 24.

<sup>16</sup>Ibid., p. 25.

<sup>17</sup>G.A.O.R., Sixteenth Session, November 3, 1961.

<sup>18</sup>S.C.O.R., Sixteenth Year, Meeting November 3, 1961.

<sup>19</sup>United Nations Review, February 1964, p. 9.

<sup>20</sup>Ibid., July 1962, p. 1.

<sup>21</sup>U.N. Monthly Chronicle, May 1968, p. 51.

<sup>22</sup>J. D. Singer, Financing International Organization: The United Nations Budget Process, (The Hague: M. Nijhoff, 1961) and J. G. Stoessinger, Financing the United Nations System, (Washington, Brookings Institute, 1964).

<sup>23</sup>Stoessinger, loc. cit.

<sup>24</sup>G.A.O.R., Eleventh Session, Plenary Meetings, p. 343.

<sup>25</sup>G.A.O.R., Eleventh Session, Fifth Committee, 541st Meeting, December 3, 1956.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

<sup>28</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1964, p. 1.

<sup>29</sup>Ibid., p. 6.





<sup>30</sup>Stoessinger, loc. cit., pp. 134-138.

<sup>31</sup>United Nations, Document, A/C. 5/974.

<sup>32</sup>G.A.O.R., Sixteenth Session, December 20, 1961, Document A/PV 1086.

<sup>33</sup>International Court of Justice, "Certain Expenses of the United Nations: Advisory Opinion," July 20, 1962, International Court of Justice Reports, 1962.

<sup>34</sup>United Nations Review, September 1962, p. 39.

<sup>35</sup>G.A.O.R., Seventeenth Session, Supplement 17.

<sup>36</sup>O'Brien and Topolski, loc. cit., p. 139.

<sup>37</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1963, p. 1.

<sup>38</sup>United Nations, Document, SC/RES/209.

<sup>39</sup>United Nations, Document, SC/RES/210.

<sup>40</sup>S.C.O.R., Document, S/5331.

<sup>41</sup>S.C.O.R., Document, S/5298.

<sup>42</sup>S.C.O.R., Documents, S/PU/973 and S/PV/982.

<sup>43</sup>S.C.O.R., Document, S/5240

<sup>44</sup>S.C.O.R., Document, S/5053

<sup>45</sup>S.C.O.R., Document, S/4940/Add. 15-19.

<sup>46</sup>Ibid.

<sup>47</sup>S.C.O.R., Document, S/5038.



<sup>48</sup>S.C.O.R., Document, S/5053, Add. 11.

<sup>49</sup>S.C.O.R., Document, S/5053, Add. 14.

<sup>50</sup>O'Brien, loc. cit.

<sup>51</sup>Ibid.

<sup>52</sup>O'Brien, To Katanga and Back and O'Brien and Topolski, U.N. Sacred Drama.

<sup>53</sup>United Nations, Document, S/PV 1102.

<sup>54</sup>Report of the Secretary-General, March 26, 1964, Document, S/5593/Add. 3.

<sup>55</sup>Special United Nations Press Release, April 30, 1964, Document SPL/42.

<sup>56</sup>United Nations, Document, S/5634.

<sup>57</sup>United Nations Monthly Chronicle, February 1965, pp. 21-22 and 32-33, as well as, the Introduction of the Secretary-General to the 1966 Annual Report.

<sup>58</sup>United Nations Monthly Chronicle, June 1968, pp. 112-114.

<sup>59</sup>O'Brien and Topolski, loc. cit., p. 244.

<sup>60</sup>E. Young "The State of Syria: Old or New?", American Journal of International Law, Number 56, 1962, pp. 482-484.

<sup>61</sup>Egor Schwelb, "Withdrawal from the United Nations: The Indonesian Intermezzo," American Journal of International Law, Number 61 (3), July 1967, p. 666.

<sup>62</sup>Ibid.

<sup>63</sup>L. C. Green, "The Dissolution of States and Membership in the United Nations", Saskatchewan Law Review, Volume 32, July 1967.



<sup>64</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1967, para 164.

<sup>65</sup>United Nations Monthly Chronicle, August-September 1969, p. 95.

<sup>66</sup>United Nations Official Document, Introduction of the Secretary-General to the Annual Report, 1968, para 189.

<sup>67</sup>G.A.O.R., Document, A/3354, p. 2.

<sup>68</sup>Ibid., p. 3.

<sup>69</sup>G.A.O.R., Document, A/3276, para 9.

<sup>70</sup>G.A.O.R., Document, A/3375.

<sup>71</sup>Y. Tanden, "UNEF, the Secretary-General and International Diplomacy in the Third Arab-Israeli War", International Organization, 22 (2) Spring, 1968.

<sup>72</sup>G.A.O.R., Document, A/3375, Annex 1.

<sup>73</sup>Russell, loc. cit., p. 355.





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